

## SENATE

MONDAY, February 18, 1929

(Legislative day of Friday, February 15, 1929)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The VICE PRESIDENT. The Senate will receive a message from the House of Representatives.

## MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Farrell, its enrolling clerk, announced that the House had passed without amendment the following bills of the Senate:

S. 200. An act for the relief of Mary L. Roebken and Esther M. Roebken;

S. 584. An act for the relief of Frederick D. Swank;

S. 1121. An act for the relief of Grover Ashley; and

S. 2821. An act for the relief of Capt. Will H. Gordon.

The message also announced that the House had passed the following bills severally with an amendment, in which it requested the concurrence of the Senate:

S. 1500. An act for the relief of James J. Welsh, Edward C. F. Webb, Francis A. Meyer, Mary S. Bennett, William McMullin, jr., Margaret McMullin, R. B. Carpenter, McCoy Yearsley, Edward Yearsley, George H. Bennett, jr., Stewart L. Beck, William P. McConnell, Elizabeth J. Morrow, William B. Jester, Josephine A. Haggan, James H. S. Gam, Herbert Nicoll, Shallcross Bros., E. C. Buckson, Wilbert Rawley, R. Richards, jr., Dredging Co.;

S. 1530. An act for the relief of Gilpin Construction Co.;

S. 1618. An act for the relief of Margaret W. Pearson and John R. Pearson; and

S. 2439. An act to amend the military record of Arthur Waldenmeyer.

The message further announced that the House had passed the bill (S. 5094) making it a felony with penalty for certain aliens to enter the United States of America under certain conditions in violation of law, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 12538) for the benefit of Morris Fox Cherry.

The message further announced that the House had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the following bills:

H. R. 8736. An act to provide for the inspection of the battle field of Brices Cross Roads, Miss., and the battle field of Tupelo, or Harrisburg, Miss.;

H. R. 11469. An act to authorize appropriations for construction at the United States Military Academy, West Point, N. Y.; and

H. R. 12449. An act to define the terms "child" and "children" as used in the acts of May 18, 1920, and June 10, 1922.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 15732) making an additional grant of lands for a miners' hospital for disabled miners of the State of Utah, and other purposes.

The message further announced that the House had agreed to the amendment of the Senate to each of the following bills of the House:

H. R. 11064. An act for the relief of F. Stanley Millichamp;

H. R. 11510. An act for the relief of Montana State College; and

H. R. 13882. An act to extend the benefits of the Hatch Act and the Smith-Lever Act to the Territory of Alaska.

The message also announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 2255. An act for the relief of Joseph Franklin;

H. R. 2425. An act for the relief of Annie McColgan;

H. R. 2818. An act for the relief of George Evans;

H. R. 3282. An act for the relief of Frank Fanning;

H. R. 4953. An act for the relief of Homer C. Rayhill;

H. R. 5264. An act for the relief of James P. Cornes;

H. R. 6613. An act for the relief of T. J. Hillman;

H. R. 7417. An act for the relief of Clara E. Wight;

H. R. 9001. An act for the relief of Henry E. Thomas, alias Christopher Timmerman;

H. R. 10197. An act for the relief of W. J. Shirley;

H. R. 10250. An act for the relief of Christopher Cott;

H. R. 10999. An act for the relief of S. W. Greer;

H. R. 11715. An act for the relief of Charles W. Bendure;

H. R. 12053. An act for the relief of Samuel Slis;

H. R. 12325. An act for the relief of Annie Gaffney;

H. R. 12707. An act for the relief of Julius Victor Keller;

H. R. 12708. An act for the relief of John H. Lawler;

H. R. 13132. An act for the relief of J. D. Baldwin, and for other purposes;

H. R. 13263. An act for the relief of William H. Johns;

H. R. 13546. An act for the relief of Joseph Bratten;

H. R. 13582. An act to authorize and direct the Secretary of the Interior to convey title to Lucile Scarborough for section 29, township 26 south, range 37 east, New Mexico principal meridian, upon the payment to the Government of \$1.25 per acre;

H. R. 13737. An act for the relief of Dennis W. Scott;

H. R. 13812. An act for the relief of Lieut. Robert O'Hagan, Supply Corps, United States Navy;

H. R. 14110. An act for the relief of Capt. Philip A. Scholl, Finance Department, United States Army;

H. R. 14197. An act for the relief of Dennis H. Sullivan;

H. R. 14823. An act for the relief of the Meadow Brook Club;

H. R. 15060. An act to reinstate Charles Robert Conroy in the West Point Military Academy;

H. R. 15493. An act for the relief of George W. Posey;

H. R. 16117. An act to authorize the payment of an indemnity to the owners of the British steamship *Kyleakin* for damages sustained as a result of a collision between that vessel and the U. S. S. *William O'Brien*;

H. R. 16406. An act to repeal the provision of law granting a pension to Annie E. Springer;

H. R. 16407. An act to repeal the provision of law granting a pension to Lottie A. Bowhall; and

H. J. Res. 418. Joint resolution to provide for the quartering, in certain public buildings in the District of Columbia, of troops participating in the inaugural ceremonies.

## MARGARET W. AND JOHN R. PEARSON

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 1618) for the relief of Margaret W. Pearson and John R. Pearson, her husband, which was, on page 2, to strike out all after the word "States" in line 5 down to and including the word "inheritance" in line 7.

Mr. FLETCHER. I move that the Senate concur in the House amendment.

The motion was agreed to.

## JAMES J. WELSH AND OTHERS

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill from the Senate (S. 1500) for the relief of James J. Welsh, Edward C. F. Webb, Francis A. Meyer, Mary S. Bennett, William McMullin, jr., Margaret McMullin, R. B. Carpenter, McCoy Yearsley, Edward Yearsley, George H. Bennett, jr., Stewart L. Beck, William P. McConnell, Elizabeth J. Morrow, William B. Jester, Josephine A. Haggan, James H. S. Gam, Herbert Nicoll, Shallcross Bros., E. C. Buckson, Wilbert Rawley, R. Richards, Jr., Dredging Co., which was, on page 1, line 4, after the word "pay," to insert "out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government."

Mr. BAYARD. I move that the Senate concur in the House amendment.

The motion was agreed to.

## PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate the following joint memorial of the Legislature of the State of Minnesota, which was referred to the Committee on Finance:

Joint resolution memorializing Congress to amend section 5219, Revised Statutes of the United States, so as to permit the taxation of shares of national banks upon a fair and equitable basis

Whereas the several States of the Union are prohibited from taxing the personal property of national banks, and may tax their shares only as permitted by Congress under the provisions of section 5219 of the Revised Statutes of the United States, which, in effect, permits the taxation of such shares only at a rate not higher than the tax imposed upon money owned by individuals and by them invested in mortgages, bonds, and other securities (commonly known as money and credits) in which national banks may invest their funds; and

Whereas it is unfair to tax an individual so using his own funds at as high a rate as bank shares, which derive the benefit of the investment returns of from 7 to 10 times their own amount in the form of deposits; and

Whereas every attempt at taxation of money and credits at more than a relatively nominal rate has always proved a failure, and the practice of taxing them at low rates has, in each of the many States employing that method, resulted in reaching enormously greater amounts of such property and in producing a larger revenue and in better distribution and equalizing of the burden of maintaining government; and

Whereas the courts have held invalid taxes levied on bank shares in States that undertake to tax money and credits at the same rate as bank shares on the ground that a substantial part of such money and credits are not, and by reason of the failure of owners to declare them for taxation at a relatively high rate can not be taxed at all; and

Whereas the schemes contained in section 5219 of taxing bank shares by income or excise rather than by value are neither practicable nor adaptable to States raising their revenue by the ad valorem method of taxation, which method has always been and now is in use by substantially all of the States in the Union; and

Whereas the American Bankers Association and the associations of bankers in various States, entrenched behind the wall raised about them by this act of Congress, have declared that they do not trust State legislatures to tax them, have united in exerting every effort in opposition to relief to the States by the necessary amendment of that section, and have demanded that the States abandon their present well-tried and satisfactory methods of taxation and substitute an income or excise tax, the result of which has been to reduce the tax on bank shares by more than one-half in every one of the three States in which it has been adopted, with the consequent increase of the burden to be borne by other taxpayers; and

Whereas there is no organization corresponding to the bankers' associations to protect the interests of the general taxpaying public in the 40 States whose present methods of taxing bank shares are now found to be unworkable and invalid under section 5219; and

Whereas the deplorable situation in which these States find themselves, faced as they are with the choice of radically altering their present taxation systems in compliance with the wishes of the bankers or of virtually exempting banks from taxation, demands immediate action in the amendment of section 5219 so as to permit the taxation of national banks on a basis that is fair and equitable to themselves and to the general taxpaying public: Therefore be it

*Resolved by the Senate of the State of Minnesota (the House of Representatives concurring), that the Congress of the United States be, and the same hereby is, urgently petitioned and requested to amend section 5219, Revised Statutes of the United States, so as to permit the taxation of the shares of national banks upon a fair and equitable basis, as contemplated by bills now pending before the Senate and the House of Representatives of the Congress and amendments proposed thereto.*

W. I. NOLAN,  
President of the Senate.  
JOHN A. JOHNSON,

Speaker of the House of Representatives.

Passed the senate the 30th day of January, 1929.

G. H. SPAETH,  
Secretary of the Senate.

Passed the house the 13th day of February, 1929.

JOHN J. LEVIN,  
Chief Clerk House of Representatives.

Approved February 14, 1929.

THEODORE CHRISTIANSON,  
Governor of the State of Minnesota.

Filed February 15, 1929.

MIKE HOLM, Secretary of State.

Mr. WATERMAN presented the following joint memorial of the Legislature of the State of Colorado, which was referred to the Committee on Irrigation and Reclamation:

Senate Joint Memorial 1 (by Senators Headlee and Shawcroft, Messrs. Sylvester, Mathias, Johnson (Conejos), and Jones)

*To the Honorable Senate and House of Representatives of the United States of America in Congress assembled:*

Your memorialist, the General Assembly of the State of Colorado, again respectfully represents to your honorable body that what is known as the San Luis Valley on the Rio Grande, in which is located some 2,000,000 acres of irrigable, productive, agricultural land in the State of Colorado, has been greatly damaged and retarded in its growth and development to the detriment of the peoples of the San Luis Valley and the Commonwealth of the State of Colorado, in this, to wit:

That for and on account of the action taken by the Congress of the United States and different departments of the Government of the United States, and particularly on request of the honorable Secretary of State, contrary to the advice of the Attorney General of the United States, in the year 1896 an embargo was placed upon the construction of reservoirs on the upper Rio Grande in the State of Colorado.

That by reason and on account of such embargo, the peoples of the San Luis Valley were prevented from constructing reservoirs whereby they could scientifically and economically administer the distribution of irrigation waters from the Rio Grande River in that territory.

That as a direct result of the prohibition, illegally and unjustly placed upon the people of the San Luis Valley as aforesaid, a large amount of irrigation water was applied to lands in the springtime when the river was in flood during which period these people were prohibited from the construction of reservoirs to properly regulate their supply of water, in an attempt to secure a sufficient amount of ground storage to

supply their crops during periods of drouth. This excessive use of water in the springtime resulted in the seeping of a large area of land aggregating several hundreds of thousands of acres theretofore very productive; a total loss of its productivity resulting, in a direct loss to the landowners and entrymen on the public domain in that locality variously estimated at from \$187,000,000 to \$200,000,000, in addition to the loss of homes and improvements erected at the cost of a lifetime of toll by the owners of such lands, and the desolation of a thriving and productive community, occupied by several thousands of happy, industrious, satisfied, and contented people, all citizens of the United States of America.

That in the year 1925, the embargo against the construction of reservoirs on the upper Rio Grande in Colorado was removed and was then found by the then Secretary of the Interior to have been illegally initiated and imposed.

That by the drainage of said lands and the construction of reservoirs now permitted, whereby the application of water in the future may be properly and scientifically regulated, said lands, now desolate and unproductive, may be reclaimed and again made productive; but before such reclamation can be provided for it is necessary that an outlet for the excess waters so applied to such lands which caused the seepage thereof, be provided for from what is known as the San Luis lakes to the Rio Grande, a distance of about 22 miles.

That the action of the governmental agencies of the United States in imposing such an embargo whereby the peoples of the San Luis Valley were prohibited from exercising rights unquestionably exercised and enjoyed by all other citizens, was unjust and discriminatory.

That the people of the San Luis Valley have never been recompensed in any particular for the great loss occasioned to them by these unwarranted and unjust acts of the United States Government, notwithstanding that fact that the peoples of southern New Mexico and western Texas on the Rio Grande River, under what is known as the Elephant Butte Dam, have been heretofore compensated by a direct appropriation of Congress in the amount of \$1,000,000 to compensate them for 60,000 acre-feet of water ceded to the Republic of Mexico, which as a matter of fact, on account of the embargo heretofore mentioned, in practical operation was charged directly to the San Luis Valley in Colorado.

That the 60,000 acre-feet of water, heretofore ceded to Mexico by the United States, can be replaced in the Rio Grande by the construction of the outlet contemplated; 2,000 square miles can be added to the drainage area of the Rio Grande and the flow of the river be materially augmented, thereby furnishing an additional supply of water for the use of the people in New Mexico and Texas.

Your attention is respectfully directed to a similar memorial to the Congress of the United States adopted by the Twenty-sixth General Assembly of the State of Colorado, since the adoption of which at the suggestion of the Department of the Interior and the Reclamation Service and the State engineer of Colorado have made a joint study of this important matter.

We therefore again urge the Congress of the United States of America to take appropriate action to relieve as far as possible the territory devastated as a direct result of the embargo so imposed by providing an outlet from the San Luis lakes to the Rio Grande in order that these unfortunate people sacrificed upon the altar of what was in 1896, no doubt considered to be for the good of the Nation, be permitted to drain these lands and relieve the condition brought about by the imposition and maintenance for 30 years of an embargo illegally initiated and imposed.

DAVID ELLIOT,  
President of the Senate.  
ROYAL W. CALKINS,  
Speaker of the House of Representatives.

#### REPORTS OF COMMITTEES

Mr. CAPPER, from the Committee on the District of Columbia, to which was referred the bill (S. 5648) to amend section 8 of the act entitled "An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1914, and for other purposes," approved March 4, 1913, as amended, reported it with amendments and submitted a report (No. 1796) thereon.

He also, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (H. R. 5338) for the relief of Roland M. Baker (Rept. No. 1814);

A bill (H. R. 10178) for the relief of the H. J. Heinz Co., Atlantic City, N. J. (Rept. No. 1815); and

A bill (H. R. 11153) for the relief of Harry C. Tasker (Rept. No. 1816).

Mr. DENEEN, from the Committee on Claims, to which was referred the bill (S. 2127) for the relief of William S. Welch, trustee of the estate of the Joliet Forge Co., Joliet, Ill., bankrupt, reported it with amendments and submitted a report (No. 1801) thereon.



He also, from the same committee, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (H. R. 1625) to carry into effect the findings of the Court of Claims in favor of Myron C. Bond, Guy M. Claffin, and Edwin A. Wells (Rept. No. 1802);

A bill (H. R. 2659) for the relief of Annie M. Lizenby (Rept. No. 1803);

A bill (H. R. 9546) for the relief of T. D. Randall & Co. (Rept. No. 1819);

A bill (H. R. 11500) for the relief of Ella Mae Rinks (Rept. No. 1804);

A bill (H. R. 13992) for the relief of N. P. Nelson & Co. (Rept. No. 1805); and

A bill (H. R. 15292) for the relief of the First National Bank of Porter, Okla. (Rept. No. 1806).

Mr. CARAWAY, from the Committee on Claims, to which was referred the bill (S. 5055) for the relief of DeWitt & Shobe, reported it with an amendment and submitted a report (No. 1808) thereon.

He also, from the same committee, to which was referred the bill (H. R. 7552) for the relief of Bertina Sand, reported it without amendment and submitted a report (No. 1807) thereon.

Mr. STEPHENS, from the Committee on Claims, to which was referred the bill (H. R. 14728) for the relief of J. A. Smith, reported it with an amendment and submitted a report (No. 1809) thereon.

Mr. BLACK, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (H. R. 3537) for the relief of William F. Goode (Rept. No. 1810);

A bill (H. R. 3677) for the relief of F. M. Gray, jr., Co. (Rept. No. 1811);

A bill (H. R. 10045) for the relief of Robert S. Ament (Rept. No. 1812); and

A bill (H. R. 13888) for the relief of Charles McCoombe (Rept. No. 1813).

Mr. McMASTER, from the Committee on Claims, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (H. R. 9862) for the relief of M. T. Nilan (Rept. No. 1817); and

A bill (H. R. 11014) for the relief of Don C. Fees (Rept. No. 1818).

Mr. SMOOT, from the Committee on Finance, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (H. R. 8223) to authorize the sale of certain buildings at United States Veterans' Hospital No. 42, Perry Point, Md. (Rept. No. 1798);

A bill (H. R. 8423) for the relief of Timothy Hanlon (Rept. No. 1799); and

A bill (H. R. 9966) to provide for the reimbursement of certain patients at the United States veterans' hospital, Sunmount, N. Y., for loss and damage to personal effects (Rept. No. 1800).

Mr. FESS, from the Committee on the Library, to which were referred the following bill and joint resolution, reported them each with an amendment and submitted reports thereon:

A bill (S. 5616) to enable the George Washington Bicentennial Commission to carry out and give effect to certain approved plans (Rept. No. 1821); and

A joint resolution (S. J. Res. 188) to create a commission on a memorial to the signers of the Declaration of Independence (Rept. No. 1822).

Mr. FESS also, from the Committee on the Library, to which was referred the bill (H. R. 7452) for the erection of a tablet or marker to be placed at some suitable point between Alford's Bridge in the county of Hart, State of Georgia, on the national highway between the States of Georgia and South Carolina, to commemorate the memory of Nancy Hart, reported it without amendment and submitted a report (No. 1823) thereon.

Mr. KING, from the Committee on the Judiciary, to which was referred the joint resolution (S. J. Res. 209) to create a joint congressional committee to be known as the committee on narcotic traffic, reported it with an amendment and submitted a report (No. 1797) thereon.

Mr. WATERMAN, from the Committee on the Judiciary, to which was referred the amendment intended to be proposed by Mr. ODDIE to the second deficiency appropriation bill to reimburse the State of Nevada the net balance due as certified by the Comptroller General of the United States in the amount of \$595,076.53, etc., reported it favorably, submitted a report (No. 1826) thereon, and moved that it be referred to the Committee on Appropriations, which was agreed to.

Mr. HASTINGS, from the Committee on the District of Columbia, to which was referred the bill (S. 5757) to amend paragraphs (c) and (d) of section 9, and paragraphs (a) and (b) of section 10 of the act of Congress entitled "An act to provide for the regulation of motor-vehicle traffic in the District of Columbia, increase the number of judges of the police court, and for other purposes," approved March 3, 1925, reported it without amendment and submitted a report (No. 1824) thereon.

Mr. WARREN, from the Committee on Appropriations, to which was referred the bill (H. R. 17053) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1930, and for other purposes, reported it with amendments and submitted a report (No. 1825) thereon.

Mr. ROBINSON of Indiana, from the Committee on Pensions, reported additional amendments to the bill (H. R. 16878) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, and submitted a report (pt. 2, No. 1727) thereon.

#### BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. STEPHENS:

A bill (S. 5823) to grant defendants the privilege to waive jury trials and to improve trial procedure in misdemeanor cases; to the Committee on the Judiciary.

By Mr. DENEEN:

A bill (S. 5824) granting the consent of Congress to the State of Illinois to construct a bridge across the Little Calumet River at or near Ashland Avenue, in Cook County, State of Illinois; to the Committee on Commerce.

By Mr. CARAWAY:

A bill (S. 5825) extending the times for commencing and completing the construction of a bridge across the Mississippi River at or near Arkansas City, Ark.; to the Committee on Commerce.

By Mr. GOFF:

A bill (S. 5826) to amend section 11 of the act entitled "An act for the retirement of public-school teachers in the District of Columbia," approved January 15, 1920; to the Committee on the District of Columbia.

By Mr. BINGHAM:

A bill (S. 5827) to pay certain claims, heretofore reported to Congress by the Secretary of War, arising from the explosions and fire at the plant of the T. A. Gillespie Loading Co., at Morgan, N. J., October 4 and 5, 1918; to the Committee on Claims.

By Mr. REED of Pennsylvania:

A bill (S. 5828) to authorize the erection of a marker in the Gettysburg National Cemetery to the memory of William Saunders; to the Committee on Military Affairs.

By Mr. TYDINGS:

A joint resolution (S. J. Res. 222) providing for the recognition of Augustus C. Breitenstein as the inventor of the Breitenstein ultra-violet and infra-red ray generating and reflecting apparatus, and for other purposes; to the Committee on Patents.

#### CHANGE OF REFERENCE

On motion of Mr. REED of Pennsylvania, the Committee on Military Affairs was discharged from the further consideration of the joint resolution (H. J. Res. 379) extending the benefits of the provisions of the act of Congress approved May 1, 1920, the act of Congress approved July 3, 1926, and the act of Congress approved May 23, 1928, to the Missouri Militia who served during the Civil War, and it was referred to the Committee on Pensions.

#### PRESIDENTIAL APPROVALS

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that on this calendar day the President approved and signed the following acts:

S. 1271. An act to more effectively meet the obligations of the United States under the migratory bird treaty with Great Britain by lessening the dangers threatening migratory game birds from drainage and other causes, by the acquisition of areas of land and of water to furnish in perpetuity reservations for the adequate protection of such birds; and authorizing appropriations for the establishment of such areas, their maintenance and improvement, and for other purposes;

S. 1281. An act to amend section 7 (a) of the act of March 3, 1925 (43 Stat. 1119), as amended by section 2 of the act of July 3, 1926 (44 Stat. 812), so as to provide operators' permits free of cost to enlisted men of the Army, Navy, Marine Corps, and Coast Guard operating Government-owned vehicles in the District of Columbia; and

S. 4441. An act to amend the laws relating to assessment and collection of taxes in the District of Columbia, and for other purposes.

## HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred as indicated below:

H. R. 13582. An act to authorize and direct the Secretary of the Interior to convey title to Lucile Scarborough for section 29, township 26 south, range 37 east, New Mexico principal meridian, upon the payment to the Government of \$1.25 per acre; to the Committee on Public Lands and Surveys.

H. R. 13812. An act for the relief of Lieut. Robert O'Hagan, Supply Corps, United States Navy; to the calendar.

H. R. 16406. An act to repeal the provision of law granting a pension to Annie E. Springer; and

H. R. 16407. An act to repeal the provision of law granting a pension to Lottie A. Bowhall; to the Committee on Pensions.

H. R. 2425. An act for the relief of Annie McColgan;

H. R. 7417. An act for the relief of Clara E. Wight;

H. R. 10197. An act for the relief of W. J. Shirley;

H. R. 12325. An act for the relief of Annie Gaffney;

H. R. 13132. An act for the relief of J. D. Baldwin, and for other purposes;

H. R. 13263. An act for the relief of William H. Johns;

H. R. 14823. An act for the relief of the Meadow Brook Club; and

H. R. 16117. An act to authorize the payment of an indemnity to the owners of the British steamship *Kyleakin* for damages sustained as a result of a collision between that vessel and the U. S. S. *William O'Brien*; to the Committee on Claims.

H. R. 2255. An act for the relief of Joseph Franklin;

H. R. 2818. An act for the relief of George Evans;

H. R. 3282. An act for the relief of Frank Fanning;

H. R. 4953. An act for the relief of Homer C. Rayhill;

H. R. 5264. An act for the relief of James P. Cornes;

H. R. 6613. An act for the relief of T. J. Hillman;

H. R. 9001. An act for the relief of Henry E. Thomas, alias Christopher Timmerman;

H. R. 10250. An act for the relief of Christopher Cott;

H. R. 10999. An act for the relief of S. W. Greer;

H. R. 11715. An act for the relief of Charles W. Bendure;

H. R. 12053. An act for the relief of Samuel Slis;

H. R. 12707. An act for the relief of Julius Victor Keller;

H. R. 12708. An act for the relief of John H. Lawler;

H. R. 13546. An act for the relief of Joseph Bratten;

H. R. 13737. An act for the relief of Dennis W. Scott;

H. R. 14110. An act for the relief of Capt. Philip A. Scholl, finance department, United States Army;

H. R. 14197. An act for the relief of Dennis H. Sullivan;

H. R. 15060. An act to reinstate Charles Robert Conroy in the West Point Military Academy; and

H. R. 15493. An act for the relief of George W. Posey; to the Committee on Military Affairs.

## AMENDMENT OF NATIONAL PROHIBITION ACT

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2901) to amend the national prohibition act as amended and supplemented, the pending question being on the first amendment of the Committee on the Judiciary, on page 1, line 3, after the word "prescribed," to insert "in a criminal prosecution," so as to read:

That wherever a penalty or penalties are prescribed in a criminal prosecution by the national prohibition act, as amended and supplemented, for the illegal manufacture, sale, transportation, importation, or exportation of intoxicating liquor, as defined by section 1, Title II, of the national prohibition act, the penalty imposed for each such offense shall be a fine not to exceed \$10,000 or imprisonment not to exceed five years, or both.

Mr. HARRISON. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Couzens	Greene	Norbeck
Barkley	Curtis	Harris	Norris
Bayard	Deneen	Harrison	Nye
Bingham	Dill	Hastings	Oddie
Black	Edge	Hawes	Overman
Blaine	Edwards	Hayden	Philips
Blease	Fess	Heflin	Pine
Borah	Fletcher	Johnson	Pittman
Bratton	Frazier	Jones	Ransdell
Brookhart	George	Kendrick	Reed, Mo.
Broussard	Gerry	King	Reed, Pa.
Bruce	Gillett	McKellar	Robinson, Ind.
Burton	Glass	McMaster	Sackett
Capper	Glenn	McNary	Schall
Caraway	Goff	Moses	Sheppard
Copeland	Gould	Neely	Shipstead

Shortridge  
Simmons  
Smith  
Smoot  
Steck  
Steilwer

Stephens  
Swanson  
Thomas, Idaho  
Thomas, Okla.  
Trammell  
Tydings

Tyson  
Vandenberg  
Wagner  
Walsh, Mass.  
Walsh, Mont.  
Warren

Waterman  
Watson  
Wheeler

Mr. BLAINE. I desire to announce that my colleague [Mr. LA FOLLETTE] is unavoidably absent. I ask that this announcement may stand for the day.

Mr. BRATTON. My colleague [Mr. LARRAZOLO] is necessarily absent from the Chamber on account of illness. This announcement may stand for the day.

Mr. JONES. I desire to announce that the Senator from Maine [Mr. HALE] and the Senator from Rhode Island [Mr. METCALF] are detained from the Senate on account of illness.

The VICE PRESIDENT. Eighty-five Senators having answered to their names, a quorum is present. The Senator from Missouri is recognized.

Mr. BRUCE. Mr. President, will the Senator yield to me? I merely desire to offer an amendment.

Mr. REED of Missouri. Very well.

Mr. BRUCE. I offer an amendment to the pending bill, which I ask may lie on the table and be printed.

The amendment was ordered to lie on the table and to be printed, and it is as follows:

Amend by striking out the word "wherever," in line 3, and substituting therefor the words "so far as"; and by inserting in line 6, after the word "exportation," the words "for commercial purposes."

Mr. REED of Missouri resumed and concluded the speech begun by him on Saturday, which is as follows:

Saturday, February 16, 1929

Mr. REED of Missouri. Mr. President, I desire to discuss not only the pending bill but the whole prohibition question, to marshal the facts and lay before the country the unspeakable condition to which we have been brought by prohibition.

On yesterday my duties as chairman of a committee compelled me to leave the floor. During my absence unanimous consent to limit debate was obtained. Because of that limitation I shall only be able to present the barest outlines of a picture which ought in all good conscience to be exposed in every detail.

I assert, Mr. President, that it will not be long until the moral sensibilities of all thoughtful people are awakened to the truth that the prohibitory law is the worst crime ever committed within the borders of the United States. It will not be long until the reign of hypocrisy, cant, chicanery, and fraud will come to an ignominious end.

I characterize the prohibitory law as a crime because it violates the principles of natural justice, has brought widespread disrespect for authority, and has become the facile instrument of graft, bribery, blackmail, and oppression.

The day will soon be here when the men who vote for prohibition that they may gain or retain office and who themselves violate the letter and the spirit of the law will be held in that contempt which justice demands should be visited upon all knavish hypocrites who wear the mask of pretended virtue. The day will soon come when judges who by brutal penalties have made malefactors of decent boys and men will sink into that obloquy which is the just reward of cruelty, oppression, and wrong. The day will soon come when organized groups shall no longer dictate policies of government. The voice of the people will again be heard, and that voice will pronounce the knell of those who surrender principle that "thrift may follow fawning."

Mr. President, I saw the original prohibitory law voted. I saw the veto of President Wilson incontinently overruled. I heard the affirmative vote of man after man who had drunk liquor all his life and who intended to keep on drinking. Time and time again I have seen prohibition bills come before Congress. I have heard roll call after roll call paralleling the one I have just described. Sir, the man who will vote to send his fellow man to jail for selling a drink of whisky and who will buy one himself is a coward—a canting and contemptible coward. I do not apply those terms to men who observe the doctrines they would force on others, but I hold in an abhorrence and contempt that can not be described in any tongue man has ever spoken the creature who to keep his place in the Senate or House of Representatives votes to make a felon of others for doing that which he himself connives at and practices.

If there were no men to drink liquor, there would be no men to make it or to sell it. Morally, if not legally, the man who buys illicit liquor aids, abets, and is fellow conspirator of the man who sells it to him. He who knowingly gets his liquor at second hand—that is, from an illegal purchaser—is morally upon the same plane as that purchaser. What a piece of knavish hypocrisy it all comes to.



Recently, at a great political convention, a number of leading prohibitionists were meeting in a room to determine their course of action. I was informed, and I have no reason for disbelief, that in the center of the table at which they sat and pondered their creed was a quart of rapidly vanishing whisky that had been liberally supplied for convention inspiration.

The Democratic convention was to meet in the driest State under the driest Government in the world. Just before it assembled there was enacted in Houston one of the Nation's periodic and regular farces. A boat, alleged to be loaded with great quantities of liquor was seized. The liquor was accommodated on deck where it could be easily observed and quite as easily captured. Only a plain, ordinary fool could doubt that the seizure was arranged for. The papers spread it broadcast that the Democrats were to have a convention as dry as a Sahara Desert camel. But when the delegates and visitors arrived word was passed that in particular hotel rooms and elsewhere liquors could be obtained in sufficient quantities to satisfy all appetites and appease every thirst.

There was a Republican convention held in Kansas City. Some of the leading "political prohibitionists" were paying the bell boys \$7, \$8, \$9, and \$10 a pint for a class of whisky that no respectable Missourian would ever think of drinking. [Laughter.]

The supply was just across the street. The bell boys raised the price and for a few brief days enjoyed "Republican prosperity." Then the sniveling hypocrites of the convention hilariously joined in adopting a prohibition platform.

I have sometimes been tempted to write a list of the names of the men who vote dry and drink wet. I do not know but I shall yet do so.

I repeat, for the man who believes in this thing and who lives it, I make no criticism of hypocrisy. But I do criticize, on the ground that he belongs to that class of individuals who think that because they choose to live in a certain way, they have the right to make everybody else live the same way. Paraphrasing the statement of a distinguished French savant—"they conceive liberty to consist in depriving others of their liberty." The proponents of the pending barbaric bill and of similar laws could be aptly described in the verse of Robert Buchanan:

A race that binds  
Its body in chains and calls them liberty,  
And calls each fresh link progress.

This, sir, is an immoral law. It is the worst crime ever committed within the borders of the United States of America. I make that assertion because prohibition is the breeding place and feeding ground of crime. That which produces crime is itself a crime.

The PRESIDING OFFICER (Mr. COUZENS in the chair). The time of the Senator from Missouri on the bill has expired. He has 10 minutes on the pending amendment.

Mr. BRUCE. Mr. President, I move that the Senator be permitted to proceed—

The PRESIDING OFFICER. The Senator from Missouri still has 10 minutes on the pending amendment.

Mr. BRUCE. Very well.

Mr. REED of Missouri. Well, Mr. President, I can not get started in that time.

Prohibition was doomed to failure because it attempted to force the habits of a part of the people—probably a minority—upon all the people. Such laws have never been enforced and never will be. A great British statesman said, "You can not indict an entire people," and I venture to say you can not force a free people.

Prohibition is a progenitor of crime, because it has driven the liquor business from the open day into the dark and secret places. Taken out of the hands of a class of people who were, for the most part, law-abiding and who were obliged to conduct their business in public places and under the constant surveillance of officers, it has been put into the hands of men who are already criminals, or who become criminals the moment they engage in the business. Operating in violation of law, it inevitably follows these men must close the eyes and stop the ears of the officers of the law. The profits are prodigious and can be split several times. Accordingly the collection of graft and the extortion of blackmail has become nation-wide.

There has never been any attempt to enforce this law as we enforce the laws against murder, arson, rape, burglary, and other heinous crimes. In the last 18 months I have traveled extensively in the United States. I have yet to enter a State, a city, a town, or a village where I was not tendered liquor and where a few minutes' conversation did not disclose the fact that illicit stills were clustered roundabout at which moonshine of

the "purest ray serene" could be obtained at constantly falling prices. There may be some who do not want liquor, who never did want it, or who do not now know where to get it. But the boys all know; that is, all the boys who know much of anything.

There is not a policeman in a city of the United States who can not collect enough evidence in 24 hours to keep the courts busy for 24 months. In the cities are bars where to the stranger they sell half of 1 per cent beer. The man who is known gets the spiked article. In city after city they are selling beer spiked with ether.

Let us tell the truth, even though Bishop Cannon—who, I believe, the Senator from Virginia [Mr. GLASS] in the recent campaign described as one of the three American popes—may frown, that he may hold his job and draw his salary. There is not a man with good sense who has looked about him but knows that in the city of Washington he can in an hour's time have delivered at his office or at his home enough whisky to entertain the entire senatorial or congressional body, their wives and their sweethearts, assuming that wives and sweethearts would partake, which, of course, they would not. [Laughter.]

To say that the law has ever been enforced is to stand in the face of truth and deliberately or ignorantly lie to the American people. Graft, without stint and beyond measure, is the order and routine of our day.

Recently a grand jury, sitting in Philadelphia—perhaps still sitting—investigated the bank accounts of some police officers. These men drew salaries of from \$3,000 to \$4,000 a year, but their bank deposits ranged from \$14,000 to \$195,000. The inference to be drawn is obvious. Bribery! Graft! The arrested are, for the most part, those who do not pay the graft. Occasionally a victim is dragged in for the purpose of making a record and deceiving the public into the belief that the law is being enforced. Why will Senators close their eyes to facts? Why do we not face the truth as it is? Why do we cringe like cowards and go to heel like spaniels at the lash of an organization that can influence a few votes?

Mr. President, when you pass a law that a large percentage of the people despise violation is certain to become general. A people deliberately violating one law will easily come to violate other laws. Thus we have sown the dragon's teeth, from which has sprung a general disrespect for law.

The former Prohibition Director, General Andrews—the best man who ever held that office—testified that in 12 months' time the department had seized 172,600 stills; that prior to prohibition there had never been 500 licensed stills in the United States, and that moonshining had been inconsequential because it was unprofitable. He practically admitted that he had not captured more than 1 still in 10. Translated that means there were in existence at that time 1,726,000 stills. General Andrews estimated that, at least, five persons were attached to each still or engaged in the distribution of the liquor. That gives us the startling total of over 8,000,000 people deliberately and willfully violating the law.

(At this point Mr. REED of Missouri was admonished by the Presiding Officer that his time had expired. Thereupon, after debate, the unanimous-consent agreement limiting debate was by unanimous consent set aside so that Mr. REED of Missouri could proceed.)

Mr. REED of Missouri. Mr. President, I thank the Senate for its very generous attitude, and I thank the Senator from Washington [Mr. JONES] for his consideration.

I agree with the Senator from Idaho [Mr. BORAH] that this question might as well be opened up and discussed. I hope that it will be. It is time to pry open the door of the "whited sepulchre" and expose the "dead men's bones" therein concealed.

When interrupted I had denounced this law as a nursery of crime and asserted that disrespect for one law naturally breeds general disrespect for law. Respect for law, respect for courts, and respect for officials of State or Nation is impaired or completely destroyed once the public is convinced that thousands of public officers are receivers of graft, that graft has become a system and bribery is ordained as a custom. The people have the right so to believe. Do they not see planted in every city of the United States hundreds of tiny drug stores, frequently so insignificant they do not employ a pharmacist? Proprietary medicines stand sparsely on the shelves, thus maintaining the mere pretense of a drug store, yet these places evidently prosper. The real source of income of most of these stores is the illicit sale of liquor. Sensible men at once ask what the policeman on that beat is doing. And then they ask what the policemen on all the beats are doing. Likewise when men know that they can go into cities as absolute strangers and in 20 minutes' time find an abundant supply of liquor they believe, as all sane men must believe, that the officers are not attempting

to enforce the law. They have the right also to conclude that somebody is collecting graft. Respect for law and respect for government is thus speedily destroyed.

It is important to bear in mind that a bootlegger necessarily sells to a large number of individuals. In a little while the officers know about the bootlegger; they are bound to; and a system of collection and protection is established. Remember also that inevitably the bootleggers' operations soon or late bring him in contact with a graver class of outlaws who peddle narcotics as well as liquor. These, in turn, have their relations with the most dangerous elements of society. Shortly there is effected a general coalition which embraces all the criminal and vicious elements of the underworld.

Always there has to some extent existed among the real criminal classes a sort of community of interest, a kind of solidarity. But the distinctly criminal class has hitherto embraced a very small percentage of the people. Every honest man's hand was against them as their hands were against every honest man. But gravely consider the ghastly truth that the criminal element has now been recruited by an army of possibly millions of liquor violators, and that there has been established what may be justly described as an offensive and defensive alliance embracing a vast army of outlaws and involving many officers of the law.

What now is the effect upon the efficiency of the officer thus involved? Called upon to apprehend a man guilty of the gravest crime, he is likely to find himself in pursuit of one in whose pay he has been. He fears to perform his duty lest he be exposed and ruined. Thus the law breeds crime. The minute an officer accepts a dollar of whisky graft, his morale is broken. He ceases to be effective against any class of criminals. He becomes a cringing coward. He walks in the shadow of constant fear. Above his head hangs the sword of destruction that any criminal may at any moment cause to fall.

Mr. BRUCE. Mr. President, may I interrupt the Senator just for a moment? That is exactly what Mr. Collins, the chief of police, said. He said that the criminal outrages of every sort that prevail in that city—we all know to what a fearful extent—are attributable to prohibition.

Mr. REED of Missouri. I thank the Senator. I do not go so far as to say that all crime is to be attributed to prohibition. I heard the prohibitionists' charge that all crime was to be attributed to the saloon. They cried aloud, abolish the saloon and you will abolish crime. We were told the jails would be empty, the penitentiaries uninhabited. But the prisons are so overcrowded that arms and legs are sticking out of the windows. Farms are established on which to herd the overflow. We were told that there would be no more widows' tears nor orphans' sighs; that workhouses would be abolished and poorhouses would be no more. The demon rum was held responsible for all of human ills.

Now, the fact was and is that a percentage of human beings will drink too much; that intoxicated men will sometimes commit crime; but the whole truth is, and always was, and always will be, that there is a percentage of human beings who are natural criminals. The prohibitionists have heaped upon the head of old John Barleycorn all the sins that were and are inherent in humanity. I shall not follow that unfair example by claiming that all the crime to-day can be charged to this law. I am trying to show, however, that the law promotes and increases crime. In further support of that claim I remark that when you hang up the prize of great profits, you lure men to that prize. And prohibition made the illicit liquor trade the most profitable business on earth.

Consider also that it is particularly easy for men to violate a law when they believe they are doing nothing but disobeying the mandate of some legislative body, a large percentage of whose members were probably full the night before they imposed the law on others, whilst another large percentage were impelled by selfish political reasons.

On this point we should keep constantly in mind that there is a wide gulf between the prohibitory statutes and laws leveled against acts universally denounced by all civilized nations. The first is restrictive, the second protective. The first limits the enjoyment of a natural right; the second protects the enjoyment of a natural right. The distinction is recognized in the law. The phrase *malum prohibitum* refers to acts not wrong in themselves but merely illegal because forbidden by law. The second class is described in the phrase *malum in se*, which embraces acts wrong in themselves. Such crimes are nearly always accomplished by force or fraud. They are repugnant to the interests and wishes of the victim and hence meet with his determined resistance. Their general existence would speedily break down civilized society. They are abhorred of all people. The worst criminal will protest against such acts if visited upon himself. The murderer will fight to the death

one who attempts to take his life. The thief will resist the stealing of his property. The highwayman will protest against the robbery of himself. The burglar will defend his own home from plunder by another rogue. All of these classes will appeal to the law for protection when their rights are violated. Frequently they will assist in the apprehension of rascals who have committed crimes against third parties. Even more certainly all good and honest men and women regard with abhorrence and will assist in the suppression of these and many other crimes.

It may therefore be justly said that for the protection of themselves all people stand for the suppression and apprehension of villains who by force or fraud accomplish their wicked designs. Against them is raised the universal voice of mankind. Their apprehension and punishment is regarded as a sacred duty.

Once more I emphasize the fact that this class of crime is committed against the will and the protest of the victim. Contrast such acts with those against which the prohibition law is leveled. It is true that law does not expressly forbid the citizen from taking a drink. Nevertheless, that is its object. It tries to cut off the supply in order that it may prevent the citizen from doing that which he desires to do.

There are two great difficulties inherent in the enforcement of the prohibitory law.

First. It seeks to prevent the man who wants to sell liquor from selling it to a man who wants to buy. There is a total absence of either force or fraud. On the contrary, both parties are in complete accord. There is a perfect and harmonious meeting of minds. The seller and buyer are doing exactly what each desires to do.

Second. They jointly engage in a transaction which each believes to be moral and to be within his natural rights. Or, at least and at the worst, each regards the transaction as desirable. They feel they are doing only that which has been done by a large proportion of men since the dawn of history.

It is indisputable that, throughout the centuries, all races of men have indulged in stimulants. Dominant and progressive nations have generally used alcohol.

Call the roll of the master builders of civilization and in the majority will be the names of those who have insisted upon the right as free men to regulate their personal conduct, even to the occasional quaffing of a toast to Bacchus. Poets, who have conjured from words the mystery and melody of music; orators, whose eloquence has aroused enslaved peoples to resist the oppressions of tyranny; martyrs, who died in defense of the rights of men; artists, whose inspired visions are preserved in the glories of architecture, in canvas, in marble, and in bronze; saints, who labored amongst the lowly and consecrated their lives to the ennoblement of mankind; statesmen, who blazed the highway of human progress and guided millions from the darkness of despotism to the sunlit fields of liberty, have nearly all, in greater or less degree, used alcohol in some form.

Prior to prohibition a considerable percentage of the population took an occasional drink and only a small proportion drank to excess. The principles of self-restraint and temperance were everywhere being inculcated. The progress was remarkable and highly commendable.

Then agitation against intemperance itself became intemperate. It took the form of organized propaganda, heavily financed. It got into the hands of a little group of professionals who collected and disbursed huge sums of money. The more they agitated, the more they could alarm the people. The more the people were alarmed, the more cash was contributed. The more cash contributed, the greater the emoluments of the agitators. They went into politics; they played the game ruthlessly.

The war was on. Millions of young men were in the Army camps. Millions were beyond the sea. Weak-kneed legislators became alarmed and began to yield. Suddenly Wayne B. Wheeler loomed as the big boss. Congress was stampeded; the eighteenth amendment was forced through for the express purpose of coercing the will of those States which did not desire to impose prohibition upon their people. The direct intention was to take away from the several States, for all time, the right to enact their own police regulations.

The methods used to secure adoption of the eighteenth amendment by the several States were regarded by many as frequently obnoxious and disgraceful.

Certain it is that the amendment was submitted during the excitement of the war and ratified either during the war or in the troublous times succeeding. The conditions forbade mature consideration and deliberate action. Immediately following came the Volstead Act. It was not prepared by statesmen sitting in solemn council and desirous of producing a statute that would deal fairly and equitably with the situation. On the con-



trary, it was largely devised by the group of professional propagandists who had for years lived out of the profits of agitation. These enterprising gentlemen gathered from various State prohibitory statutes their extremest provisions and their grossest cruelties. The bill was forced through Congress under the lash of Wayne B. Wheeler, backed by a horde of propagandists and paid lobbyists. Congressmen were threatened with annihilation by the Anti-Saloon League and its cohorts. The most detestable kinds of bulldozing and lobbying were employed.

What wonder President Wilson vetoed the measure! What wonder that Congressmen who had proclaimed him the greatest man since the days of Christ, and who had denounced all who, in any respect, differed from him, now cringed and cowered before the threat of political annihilation by the Anti-Saloon League!

Thus was born the Volstead Act, the cruelties and enormities of which the present Jones bill proposes to magnify.

Let us consider some further circumstances, especially the assertion, constantly reiterated, that the people of the United States amended the Constitution, that the people, therefore, after due deliberation, determined upon a new national policy.

Technically, it is true that the Constitution was amended in the form laid down and that the law pursuant thereto was enacted by the Congress. Both have been sustained by the Supreme Court and are, therefore, legally binding. But that is very far from their ratification or adoption by a popular vote of the people. The people, in fact, never had an opportunity for a direct vote. The amendment was submitted by a total of 347 Senators and Representatives, all of whom had been elected, at least, 11 months before they voted for submission.

In the campaign of 1916, neither party had recommended nation-wide prohibition. The question was not at issue in that election. The people had had no opportunity, by direction or indirection, to vote upon it. Yet, the submission of an amendment is the first and one of the most important acts necessary to any change in the Constitution.

In the State legislatures an estimated liberal total of 5,000 members voted to ratify the amendment. Many of these men had been elected before the constitutional amendment was proposed, and many of these legislators in States where a popular vote had been taken voted in direct opposition to the last-expressed will of the people upon that issue. Thus it appears that a constitutional amendment to govern 48 States and 120,000,000 people was actually submitted and adopted by a total of not more than 5,347 individuals in the State and Federal Legislatures.

I do not claim that the constitutional amendment was illegally adopted, but I do emphasize the fact that both the constitutional amendment and the law were enacted by a very small number of the people without proper time for discussion, and that the voice of the people has never been directly heard. I also urge the importance of these facts in connection with the problem of enforcement, for the constitutional amendment and the laws thus adopted may be very far from expressing the will of a majority of the people.

I am confident that, with ample time for discussion and upon a popular vote a majority would have rejected the nation-wide proposition. To enforce a law, adopted under the conditions stated, which proposed to reverse the custom of the ages and to regulate the individual habits of a great people, is indeed difficult if not impossible.

Again I remark that when you undertake to enforce this law you are at once confronted by the fact that the great percentage of the people want a drink once in a while, think they have the right to a drink, and hence, regard not as an enemy, not as a criminal, but as an accommodating individual the man who comes around with a suitcase containing the desired amount of liquor.

A further difficulty arises from the fact that the prohibition of the legitimate sale of liquor has made its illicit sale highly profitable, and, as I have remarked, whenever you make a crime of a business not ordinarily regarded as wrong, men will engage in it on account of the huge profits to be realized.

At the time General Andrews appeared before the committee and gave the startling figures I have recited, he exhibited one of the stills seized. It was an ordinary copper wash boiler with a small copper contrivance attached. He stated that in that wash boiler 60 gallons of alcohol could be made in 24 hours, which could in turn be transformed into 120 gallons of whisky. At the then current price the product would have brought about \$2,400.

Consider the fact that a man with an ordinary wash-boiler contrivance could, in a day's time, make so huge a profit. That mere fact makes violation certain. Add to that the fact that millions of people who had always enjoyed a drink and always proposed to have one were distributed throughout the

United States, and you have a situation making it impossible to enforce the law.

Referring to these difficulties, General Andrews testified that as soon as one source of supply was cut off another sprang into existence. When importations were reduced moonshining increased.

There is still another difficulty in the way of enforcement. Making whisky is a simpler chemical process than making bread. It can be even produced by so primitive an equipment as a tea-kettle and a little corn or rye meal or potatoes, or anything containing starch or sugar.

Fermentation is a natural process. Distillation consists simply in separating and condensing the alcohol produced by fermentation. With the slightest knowledge and the simplest apparatus whisky can be made in every home of the land. The number of people who have learned how to make it is one of the most prominent results of this law. To-day whisky is being made in the kitchen, in the cellar, in the garret, in the garage, and along the creeks, frequently by a class of people who are willing to take the chance of being caught. So enforcement has, at each stage, and in every State, become a farce.

If that were all, the case would not be so terrible; but running along with that condition is another and an appalling situation. Formerly when liquor could be obtained any place, the moral elements of all communities were arrayed in a general endeavor to warn people against the evils of strong drink. The pulpits thundered anathemas on almost every Sabbath day. Great temperance orators went over the country and provoked tears from the eyes of their auditors. Young men and young women were told "Here is a danger. Here lurks an enemy that may destroy you. You must build up your character, you must strengthen your own purpose, you must live without it, or, if you touch it, it must be in very moderate quantities. Here it is. If you want to be a fool, you can be a fool. If you want to destroy yourself, you can destroy yourself. But your duty to your home, your duty to your country, and to your church and to yourself is that of self-restraint." It was presented as a great question of morals, and it was dealt with by the moral forces of society, the church, the school, the home.

Now, all that is changed. There is not a man in the Senate Chamber who has heard an old-fashioned temperance lecture since the Volstead Act was passed. Instead you have heard demands for enforcement of the law and for more penalties. The whole atmosphere is different. In the old days temperance forces were all engaged in saving the drunkard. They wept over the old fellow who for 75 or 80 years had drunk his whisky or sipped his wine and was still hale and hearty. He was pictured as a terrible sot. Over him they shed cata-racts of tears. They were bent upon rescuing him from "evil." How the tender hearts of the good sisters and good brethren did ache at the awful spectacle. But the modern professional prohibitionists have turned their kindly hearts to stone; their eyes are now tearless as those of a granite sphinx. They no longer sing: "Rescue the perishing"; they hiss through set teeth, "Chuck them in the penitentiary for life." Closely, indeed, does the hiss of fanaticism resemble the hiss of a serpent.

They once talked of tremendous economic loss. Now, when they lock thousands of men within penitentiary walls, eternally blast their names, herd them with brutes, curse their souls, and destroy them utterly; there creeps over the faces of these humanitarians of a later day the ravening glee of the tiger as it exults above a dying victim.

With chuckle and nudge, they bear the glad tidings: "We convicted 500 men to-day." "Five hundred more must wear the stripes." "Five hundred more are locked in jail."

A boy is driving along the highway. He has a flask of whisky in his car. He is, perhaps, an ignorant and inexperienced lad, the kind of boy that in the old days good women put their arms about and led away from the bar and into the white-ribbon hall and there prayed with and wept over and persuaded to sign the pledge. But now the boy is grabbed by an officer too corrupt or cowardly to tackle larger game, is ruthlessly rushed to the penitentiary and so is absolutely destroyed. On such a scene, the hard-eyed pack of reformers look with approval and shout: "More law, more punishment." "Another twist to the thumbscrew." "Another turn of the rack." "A little more pain, a little more agony, a little more of human wreckage—just a bit more of the lash, good executioner."

Monsters of that kind have existed in every age. They regard law as an instrument of punishment, not of redemption. They believe that the more cruel the punishment, the heavier the club, the longer the agony, the better the law. Such as they broke men upon the wheel; drew them asunder by horses, quartered them, cut out their entrails and burned them before

their faces; seared their eyeballs; tore their tongues from their throats. Such as they said that was the way to stop crime; that was the way to make people observe the law and respect government.

Then came an era of humanity. We began to see that revenge was not the just purpose of the law; that punishment should be inflicted only to deter others from the commission of crime and to reform the culprit.

This prohibitory law—what a monstrous thing it is! Under the law as it stands—without fitting it with more nails to be driven into the hands and feet of its victims—for a single act penalties can be piled up that will put in the penitentiary for a long period of years an individual who has been guilty of a single trivial violation.

A boy delivers a gallon of moonshine. He can be indicted for possession; he can be indicted for transportation; he can be indicted for conspiracy to violate a Federal statute. He can also be similarly indicted under State laws, and conviction under the State code does not bar conviction under the Federal code.

I am not sure how many schemes have been worked out to pile penalty upon penalty, but I do know that the law as it now stands is as "cruel as the grave." Penalties may be imposed for the simple act of transporting a pint of liquor far greater than those for manslaughter or murder in the second degree frequently visited upon the killer.

Mr. BLEASE. Mr. President—

The PRESIDING OFFICER (Mr. SMITH in the chair). Does the Senator from Missouri yield to the Senator from South Carolina?

Mr. REED of Missouri. I yield.

Mr. BLEASE. I call the Senator's attention to the fact that they can also punish him by putting a tax on his property and then take his property, putting it on the block, and sell it.

Mr. REED of Missouri. Yes; that is true. If I undertook to tell all that can be done it would take a very long time. I thank the Senator.

What is the act? Merely *malum prohibitum*. The act is bad because it has been prohibited. The penalties that exist to-day are altogether in disharmony with the general policy of the criminal statutes.

Mr. President, it is hard to believe that any human being would want to send a lad to the penitentiary for having possession of a pint of liquor. That is indeed hard to believe. It is hard to believe that in a civilized country we would tear a father from his family, disgrace the wife, the daughters and the sons, and brand them forever with a mark that time can not erase because that father sold a gill of wine or a bottle of beer to a man who wanted to buy.

One would naturally think that for such a violation a fine of a few dollars would be a heavy penalty. But, sir, there is no knife so sharp as that held in the hand of the bigot. It "pierces even to the dividing asunder of the soul and body, of the joints and marrow." There is no cruelty so relentless as the cruelty of fanaticism.

On an occasion the question of poisoned liquor was being discussed. It was stated that a prominent man had been made totally blind by a single drink. When some of those present expressed their sorrow and horror, a lady, naturally a kind-hearted woman, the wife of a great educator, exclaimed through her set teeth, "It serves them right; they ought to go blind if they break our law."

Mr. BRUCE. I would call the Senator's attention to the fact that 187 of the essays which were handed in by contestants in the Durant prohibition competition were in favor of capital punishment or execution in some form or another for violation of the Volstead Act, and that even a Member of this body on one occasion, when I asked him whether he favored capital punishment for violation of the Volstead Act, replied that he did for some.

(At this point Mr. REED of Missouri yielded the floor for the day.)

*Monday, February 18, 1929*

Mr. REED of Missouri. Mr. President, before continuing the discussion of Saturday, I desire again to thank the Senate for abrogating the unanimous-consent agreement limiting debate in order to accommodate me. For that and many courtesies of the past I am deeply grateful. Second, I desire to remove the anxiety which seems to have been created in the minds of some by the remark I made on Saturday that I might "yet tell the names of those who do not vote as they drink." I assure all interested parties that they may compose their agitated nerves. I am not going to do it! [Laughter.] I might feel compelled to tell the names of people who commit real crimes. I should hate to have to do that. Certain it is, I would never violate

the confidence or hospitality of friends by disclosing the fact that occasionally they try to introduce a bit of artificial sunshine into the dull days of life. Accordingly, all may be at ease. I have made many mistakes and done many wicked things, but I have never fallen to the level of a prohibition informer. [Laughter.] I thought at the time I had perpetrated a joke, but it appears I should have so labeled it.

Mr. President, on Saturday I made reference to the fact that one of the saddest effects of the law is that it apparently has transformed the kindly sentiments and humanitarian services of the old-time temperance worker into a spirit of persecution. Force is substituted for reason, penalties for persuasion, and cruelties for charity. I repeat that where we once sought to "rescue the perishing," we now send them to the penitentiary. We have abandoned the Bible, the prayer book, and the temperance tract for the lash, the prison, the gun, and the bludgeon.

As was stated by the distinguished Senator from Maryland [Mr. BRUCE], in the recent Durant prohibition enforcement prize competition 187 contestants demanded the death penalty. The vast majority of the plans proposed to pile penalty upon penalty. But perhaps the most classic illustration of fanaticism gone mad, of love turned to hate, and charity changed to crime is found in the suggestions of two persons, one of them a woman.

One contestant urged that the liquor-law violators should be hung by the tongue from an airplane and thus carried over the United States. The woman urged that the Government poison the liquor and distribute the deadly potion to the people through bootleggers. She humanely argued that "only a few hundred thousand persons would die and that it would be worth all the deaths to get prohibition enforced."

If these illustrations were no more than the sporadic utterances of insane persons, the matter would not be worth the mentioning, but the spirit of persecution is abroad in the land. Many people seem to have conceived the idea that whatsoever is done under the form of a statute is just and righteous; that law can sanctify any cruelty, any atrocity.

Sir, law has been the instrument of tyrants, the weapon of brutes since time began. By it despots have sought to cloak villainies that have stained the earth with blood, saturated it with tears, and filled the winds of time with the groans of the tortured and the dying. Law! What, sir, is law? It is—and I speak now of proper laws—it is a rule of conduct springing from common custom and ordained by general consent. It must be all that and more than that; it must be founded upon justice; it must express equity and right; it must be humane in its provisions. Such a law naturally commends itself to the intelligence and appeals to the soul of mankind. An unjust law, a cruel law may be as much a crime as is the act of an individual who assassinates in the dark.

Law! It is urged that a majority may dictate any kind of a law, however brutal, however unjust, however atrocious. Such was not the theory of the founders of this Republic. They declared that all just laws spring from the consent of the governed. They forbade cruel and unusual punishments. They set bounds to the authority of government itself. They created checks and balances in order to preserve the liberty of the citizen. As they unfurled the battle flags of the Revolution they asserted that all men were entitled to life, liberty, and the pursuit of happiness, and that all just governments were established to preserve these inalienable rights.

Law, I repeat, has been the instrument and cloak of every conceivable atrocity, and that no law can ever transform a villainy into a virtue. Why, sir, the Savior of mankind was crucified according to the forms of Roman law and with the sanction of Jewish law. I repeat now what I think I once before said in this presence, that the wretches who led Him to Calvary, who drove the nails into His feet and His hands, were as great criminals as though they had executed Him against the express letter of the law.

Joan of Arc was burned at the stake in strict accordance with the thing that was then called law. But the judges who signed the decree of execution and the wretch who applied the torch were murderers more foul than assassins who cut the throats of sleeping victims, for they acted in cool deliberation and imposed the cruel death by fire.

John Calvin slowly roasted Servetus, the foremost physician of the time. He acted in accordance with the provisions of the law of Geneva and pretended to act by authority and at the behest of the law of God. But Calvin branded in blood-red letters across his memory the word "murderer."

The highway of the centuries is marked by gibbets, crosses, stakes, dungeons where the bravest and the best were hanged, crucified, impaled, and imprisoned according to laws proclaimed



by monsters who, by force and fear, ruled an enslaved world. Their laws were nothing save general rules for the perpetration of villainies.

The British Government dragged our ancestors across the sea and put them to trial according to the laws of England, but the laws were atrocious, the penalties were cruel, and our fathers repudiated both England and her laws. For hundreds of years there was written in the laws of England death penalty after death penalty for offenses many of which involved no real or but slight moral turpitude. Thousands and thousands of small offenders were thus brutally penalized. Men could be thrown into prison for killing a rabbit or even hanged for trespassing upon the sacred domain of some titled tyrant and stealing a deer or sheep. But the judges who pronounced sentence and the officers who dragged the victims to the gibbet were as certainly murderers as they would have been had there been no form of law observed. The "it is hereby decreed" of a despot who in his own person exercises authority and the "be it enacted" of a few men gathered together in a legislative assembly are alike powerless to make wrong right or rob cruelty of its criminality.

Let no man say because I have thus spoken that I am declaring we should defy the prohibition law. I do not so say. We have the power of remedy in our own hands. We know full well that general hatred and defiance of the law will undermine the very structure of our Government. It is therefore our business to proceed by constitutional methods to remedy existing wrongs. The right way is to repeal bad laws and to change bad constitutions.

I have been speaking upon the theory that this is a bad law, that it is a destructive law. I now urge that it has introduced corrupting agencies and debased morals into the political life of our country.

If I were to undertake to marshal all the facts at my command, we would be here until the cock would crow in the morning. I shall call attention to just a few. I have already said that this law was enacted at the demand of an organization. At the head of that organization was Mr. Wayne B. Wheeler. I hold in my hand the biography of Wayne B. Wheeler written by Justin Steuart who was formerly publicity secretary to Mr. Wheeler. It was written within the shadows of his tomb and I presume has that touch of charity which a work written under the circumstances should exemplify. Here is the opening sentence:

Wayne B. Wheeler controlled six Congresses, dictated to two Presidents of the United States, directed legislation in most of the States of the Union, picked the candidates for the more important elective State and Federal offices, held the balance of power in both Republican and Democratic Parties, distributed more patronage than any dozen other men, supervised a Federal bureau from outside without official authority—

We know that bureau was the Prohibition Bureau—

and was recognized by friend and foe alike as the most masterful and powerful single individual in the United States. He achieved this position by sheer force of personality. The story of his rise to power, his use of that power, and his sudden death, just when the foundations seemed crumbling under him, is without parallel.

Where Wheeler sat was always the head of the table. He had an instinct for preeminence. A tireless opportunist, he dramatized himself as the champion of prohibition until the general public pictured him as a mighty St. George fighting single-handed against a swarm of dragons.

He loved the limelight. Attacks pleased him nearly as much as praise. He collected the personal newspaper notices, which became voluminous in the last five years of his life. He circulated widely typed, mimeographed, or printed copies of these collections, with such titles as "Knocks and Boosts." \* \* \* He urged the need of loyalty upon others, but frequently disregarded the orders of superior officers and ignored resolutions passed by the boards of the Anti-Saloon League, which were responsible for its political or legislative policy. He did not cut the cables like Dewey, but waited until boards or committees had adjourned and their members returned to widely separated parts of the Nation, and then forgot them.

He loved power. If power could not be won, he loved the semblance of power. He never attacked the administration. Such attack might be construed as evidence that he lacked influence with the administration. His favorite text was: "The powers that be are ordained of God." This did not present his own insubordination. Because of the influence over the policy of the Prohibition Department that would be his under the Haynes régime, he supported Roy A. Haynes for Commissioner of Prohibition under the reorganization bill in the face of the objections of many of the sanest men in the league. By a political maneuver he prevented the election of the ablest man in the league

to its national superintendency while he persuaded or dragooned delegates to support his own candidate.

He was the exponent of force. From his first days as superintendent of a district in Ohio, when he assailed the courts for leniency, to the end of his life he preferred threats to persuasion. He made difficult the development of the league's policy of education on prohibition. He desired the most severe penalties, the most aggressive policies, even to calling out the Army and Navy, the most relentless prosecution. A favorite phrase was: "We'll make them believe in punishment after death." This, with "red-blooded" and "intestinal fortitude," crept into many a speech, regardless of its theme—

And so forth, and so on, ad nauseam.

That is the picture presented by the eulogist and former secretary to this man. He "preferred force." "He would make the people believe in hell fire." That obscene spirit has permeated our country to an extent astounding and horrible and sad beyond the expression of words. It has usurped the kindly persuasion and gentle ministrations of the temperance folks of a few years ago. Then many women with tender hands and sweet faces and noble hearts entered the saloons there to appeal to the saloonkeeper and to the lowly and fallen to lead better lives. Now the doctrine of force espoused by Wayne B. Wheeler has supplanted the spirit of charity and love taught by Jesus Christ. Formerly we sought to persuade. We now seek to compel. But, sirs, you can not compel a free people. Hence, it is solemnly admitted by prohibition Senators that eight years of pretended enforcement has been but a prolonged farce.

Returning to the Anti-Saloon League, it raised and spent over \$30,000,000. In the spirit of Mr. Wheeler, it entered into the various State campaigns. It adopted his philosophy, which was that he did not care how a man drank, or what his habits were, or what his opinions were, or how he would vote on any other question; if he would only cast his vote as Mr. Wheeler dictated. That, according to Wheeler, was the sole test of a man's fitness for office.

Think of that degrading and despicable philosophy! Here is the great United States, with all its multitudinous interests, its foreign relations, its difficult problems of government. The rights and interests of millions are constantly to be guarded and conserved. Disregarding all these, a man posing as a moral leader insisted that the sole qualification for office was a pledge to him that the legislator vote on one particular question as he dictated. Moreover, he asserted his right to go into a Republican convention and nominate any scoundrel he could if that scoundrel would only vote as he demanded upon that one question; to then go into a Democratic convention and nominate any scoundrel he could if that man would vote as he demanded; to change from one party to the other, being bound neither in morals nor by the ethics of politics to support the candidate nominated by the convention into which he had voluntarily entered, and in the proceedings of which he had participated! Wheeler is dead but his mantle has fallen upon the shoulders and his soul has entered the body of the Right Rev. Bishop Cannon. The philosophy of hate survives. There is not a slum district in a city of the United States where the slum boss does not have a higher code of political morals than that. And so I say the doctrines and practices of the Anti-Saloon League have been a debasing influence in our politics.

But Mr. Wheeler was not the only protagonist of these nefarious doctrines. Another distinguished leader gives us a photograph of his own soul in his own words. I refer to that peerless knight and accomplished gentleman, "Pussyfoot" Johnson. [Laughter.] It was disclosed in hearings before a Senate committee that "Pussyfoot" Johnson had been regularly in the pay of the Anti-Saloon League from 1917 to 1922, and that he had drawn from it various sums of money. It was also shown that Mr. "Pussyfoot" Johnson had given utterance to the following exalted expressions:

Did I ever kill anybody? It has been often said that I did. Stories of slaughter have been repeated and printed. I let them pass, for in the wild days they served a useful purpose.

It served a useful purpose to have people think he was a killer engaged in a great moral movement!

They helped spread terror among the lawless, and that aided my work. Most of the stories of sudden death date back to a fight that I had in a pool hall in Chelsea, Indian Territory. I was cornered one night by an angry mob, but fought my way out with the butt end of a broken billiard cue. I got out with a black eye and some bruises, but three of my assailants were carried out unconscious. The newspaper dispatches carried the valuable information that I had then and there put three men to sleep. Under the reputation that Chelsea then had this was interpreted generally that I had killed the three men, which

was not true. They were put to sleep all right. However, they finally woke up. I never killed anybody.

Did I ever lie?

Now, he denies the killing. Follow on:

Did I ever lie to promote prohibition? Decidedly, yes. I have told enough lies for the cause to make Ananias ashamed of himself. The lies that I have told would fill a big book; but I have never lied to my associates. I have never lied to the public. I have told to sinners a thousand lies for the purpose of decoying them into telling the truth. I am not seeking to defend this, only to state the fact that my conscience does not annoy me for it and to insist that I would do it again if the occasion arose.

Did I ever bribe anybody? Yes. In 1913 I bribed some Russian officials to give me a lot of secret information concerning Section X of their Government administration. I bribed Eurasian railway officials all over India, because that is the accepted way of getting favors in that country. In my law-enforcement work for the Government I bribed many bad men to give me information about their associates, but outside of that I have never bribed anybody.

That is the man who helped fix the moral standards of the people of the United States. From that foul and polluted fountain you draw the waters of your purity!

How did they raise this \$30,000,000. In part it was subscribed by very wealthy men. One of those wealthy men has a moral record that would not look well if it were presented here on the floor of the Senate. Even now in his 10-cent stores the public regularly is supplied with glasses, corks, bottles, corkscrews, and other paraphernalia to make the preservation and consumption of booze easy, and all at cut prices.

Another distinguished contributor amassed his immense fortune by the creation of the greatest and most oppressive monopoly that ever cursed this people. By the way, I am not sure but that his son, just now riding in the chariot of another reform, is about to gain control of the single branch of the Standard Oil Co. that is not at present completely dominated by the old crowd; but that is another tale.

One way in which they raised the money was to have preachers take up collections in their churches on Sundays, and in a great many instances they divided with the preachers. I do not make that as any wholesale charge; I simply quote such evidence as we had before us. But they got the money, and they used a very large part of it in politics. For many years they violated the law by failing to report their political collections and disbursements.

They had several Congressmen and two or three Senators in their pay. Consider the situation of a Member of Congress with the money of the Anti-Saloon League in his pocket when that organization demanded his vote for one of its pet measures. To all intents and purposes his vote was bought in advance. But the moralists of the league saw nothing wrong in thus indirectly bribing Members of Congress.

I do not challenge the right of the organization to stand for its policies, but I do dispute the right of that or any organization to put money in the purses of the men who are to vote for laws to force those policies upon the country. No man ever did that who was not utterly depraved, who had not lost all sense of honor, all respect for law, all the qualities of decency.

Then, sir, this law has to be enforced by a class of men who are mostly under-cover men. What is an under-cover man? A spy. What is a spy? He is unquestionably the lowest order of animal life. Save the man who, in a great war, may bravely imperil his life to discover the position of an enemy in order that he may give information to his own army, the spy is a creature who has abandoned in advance every principle of honor.

What is it that keeps men decent in this world except a sense of honor? Destroy that, and man becomes a beast, devoid of respect for law, for decency, or for the rights of others. The man who will engage in a business knowing in advance that he must peep through keyholes, that he must draw aside the curtains of windows, that he must lurk in the shadows and creep like some vile beast upon an unwary victim; who knows that he must be prepared, like "Pussyfoot" Johnson, to lie and to deceive, to gain friendships only to betray—a man of that kind, sir, will do anything that cowardice does not prevent. He will commit perjury, he will accept bribes, he will levy graft, he will tempt the weak, he will seduce the honest boy into crime in order that he may gain the credit and profit of a conviction.

What wonder, then, that the cold written record of the Prohibition Unit directors discloses an alarming story of rascality. Bear in mind that the record probably does not show one-tenth of the whole truth, because it deals only with dismissals for misconduct absolutely proven. It necessarily fails to show the

resignations that were tendered for causes that were substantially known, but of which complete evidence was not produced.

Prohibition Director Andrews gave the list of dismissals for cause for a period of about nine months beginning February 1, 1926:

*Employees separated from the Prohibition Unit for cause from the beginning of prohibition to February 1, 1926, inclusive*

Cause	Prohibition enforcement officers, agents, and inspectors	Prohibition agents serving as marines	Warehouse agents	Clerks	Messengers	Field supervisors	Attorneys	Chemists	Total
False statement on application	20		1	1					22
Extortion, bribery, or soliciting money	121			2					123
Falsification of expense accounts	80	2					1		83
Collusion and conspiracy	61		1	8			1		71
Illegal disposition of liquor and other property	41		3		2				46
Embezzlement	1			4				1	6
Dereliction of duty	43		24	1				1	69
Robbery of warehouse	2	6							8
Intoxication and misconduct	187	5	11	10		1	1		215
Violation of national prohibition act	7		1						8
Disclosing confidential information	8	1		4					13
Unsatisfactory service and insubordination	119	4	10	8		1		1	143
Acceptance of gratuities	7								7
Submission of false reports	22								22
Theft	6	1	2		2				11
Contempt of court	6								6
Assault	8			1					9
Perjury or subornation of perjury	3								3
Political activity	3								3
Misuse of firearms	3								3
Failure to file income-tax return	1								1
Former criminal record	2								2
False pretenses (issued worthless checks)	1								1
Total	752	11	61	39	4	2	3	3	875

<sup>1</sup> This covers such cases as conspiracy to violate the national prohibition act, to extort bribes from violators, to defraud the United States Government, etc.

<sup>2</sup> This classification includes failure to report violations of the national prohibition act; leaving guard duty without permission, etc.

<sup>3</sup> Misconduct covers such matters as immorality, assault, arrest for speeding, gambling, fighting, creating disturbance, etc.

What does that table spell? It spells this: You can not get decent men to do such abominable work, hence it goes into the hands of the offscourings of humanity, largely into the hands of men who are criminals or near criminals.

I notice that two men were discharged for having had previous criminal records. They are not so particular now. Men with known criminal records are now employed. And how do they work? The gorge rises in the stomach of decency when we contemplate the fact that prostitutes have been employed to decoy men. Agents have set their traps in hotels and by the expenditure of a lot of Federal money finally induced some poor bell boy or some waiter to bring in a little liquor to a party which he supposed was composed of decent men and women when it was in reality an assembly of official blacklegs and prostitutes. All this is done beneath the white cloak of purity; all this is sanctified by the glory of the cause.

What saloon was ever baser than that? What divekeeper was more depraved? Where can you find a blacker picture in the old days of the old saloon?

What right has an officer of the law to commit a crime in order to entrap a victim? What right has he to become the procurer of a crime, the inducing cause of a breach of the law?

Mr. President, I turn now to another picture, and, as I try to paint with my poor brush, please compare the kindly expression that transfigured the countenance of the old-time temperance worker with the passion that distorts the face of the advocates of force. The old temperance forces appealed to our moral and spiritual attributes. They sought by gentle persuasion to rescue the perishing.

Then it was a glorious thing if one man who was addicted to drink could be induced to quit. They brought him to the temperance hall, they had him tell how the prayers of good women and the saving grace of God had taken away his thirst, clothed him once more in his right mind, and made him a good citizen. As they passed their pledges around they said, "This man was standing at the gates of hell, and we have pulled him back. He was lost, and has been found. A gracious God, through us, as His humble servants, has saved this soul from destruction."

It was a beautiful and glorious work. I have nothing but flowers and crowns for all the people who did that work. No word of mine would ever speak harshly of them. They were



engaged in a great labor of charity—the saving of men. Each time they could snatch a single brand from the burning their souls lightened up with a holy zeal. Properly they felt that they had accomplished much for they were rescuing men.

Now, behold their successors. Their proudest boast is the number of convictions secured. Gleefully they count the human being they have taken from their families, from public life, from their duties as citizens, and have locked up in penitentiaries.

Let me read the figures. I have them by the courtesy of my friend the Senator from Texas [Mr. SHEPPARD], who recently recited them in a speech eulogizing prohibition. The Senator declared that in the year 1928 the following admirable results were obtained:

"Seventy-eight thousand arrests in the Federal courts"—78,000 human beings upon which shoulders the law laid its heavy hand and placed an ineradicable stain.

"Fifty-eight thousand prison sentences"—58,000 men imprisoned. This we are told is the glory of prohibition.

"Aggregate of all sentences, 5,631 years." If Adam had been put in jail when he was a boy he would have just about served out that period of time.

"Fines, \$7,031,709," and in addition "652 persons convicted and placed on probation for five years." "Suspended and pardoned sentences totaled 4,627; probated sentences 2,265 years."

Stop a little and think, you rescuers of the perishing. If you could have indicated the old saloon and shown by good and true evidence that in a single year it had sent 58,000 human beings to jail and that it had caused the arrest of 78,000 human beings, you would have had a stronger case than was ever proved against the old saloon, had as it was.

Observe that, in the opinion of the distinguished Senator, the number of prison sentences imposed is the proper yardstick by which to measure the success of prohibition. The more men sent to prison, the more beneficent is the law. Accordingly he introduced the figures for 1927. In that year the arrests totaled 51,945; convictions, 36,546; sentenced to prison, 11,818; aggregate of sentences, 4,477 years.

As the sentences for 1928 were much greater than for 1927, the Senator insists that prohibition is becoming progressively successful. That is to say, we are arresting more people every year, sending more people to prison every year, ruining more men and women every year, taking more fathers and sons and brothers from their families and from life, destroying them utterly, body and soul, branding them so that as they go down the path of time their names will be anathema upon the lips of all people—we are doing more of that every year; hence prohibition is a glorious success.

Oh, how the spirit of Christ has been killed! Whence comes this malevolent and monstrous thing to usurp his place in the temple where once we bowed at the shrine of charity?

Concluding his eulogy of prohibition, its penalties, and prisons, my good brother burst into ecstatic song. I will reproduce the verse, but beg to be permitted to adorn it with a single original line, being something of a poet myself. [Laughter.] Said my friend the Senator from Texas [Mr. SHEPPARD], eyes lifted heavenward and face illumined with a divine radiance:

"O beautiful! for spacious skies,  
For amber waves of grain,  
For purple mountains majesties  
Above the fruited plain—  
America! America!  
God shed His grace on thee,  
And crown Thy good with brotherhood  
From sea to shining sea!"  
As an hundred thousand prisoners look through the bars at me.  
Oh, happy day!

[Laughter.]

You will observe I am almost overcome with emotion by the beauty of the sentiment and the rhythm of the words. [Laughter.]

In two short years 125,000 to 130,000 have been jailed, an army as great as has conquered kingdoms; a mighty host of human beings, with hearts that beat, with nerves that feel, with souls to be exalted or destroyed. Into prison cells in contact with vice, with every form of horrid crime, these men were thrust, and thereby you think you serve the good and merciful God.

Turn your eyes to that picture and answer whether a law that does a thing like that to men who have only responded to an appetite, ingrained in man from the first, is not what I denounce it to be, a crime within itself.

Look again at the picture. Poor boys and impoverished mothers are sentenced to hard labor until death shall break their prison bars. And for what, pray? Because on the testimony of a sneak and informer they were convicted of having

for the second or third time been caught with a little liquor in their possession, or of selling a drink to somebody who desired to buy it. Look closely at the picture. It is a shifting panorama—a tragedy running through the years—the victims are dressed in ignominious stripes. They hear the click of the lock that shuts them in forever. They are thrust into foul cells. They are forced into the parade of the lock step. They eat loathsome prison food. They speak in whispers. They are slaves toiling beneath the muzzle of rifles at hard and unrequited tasks. They are compelled to associate with the vilest of criminals. The light of hope has faded from their eyes. Despair has settled upon their souls and left its shadow upon their faces. They long for the fresh fields. Their nostrils beg for the breath of flowers. Their hearts ache for the loved ones left at home. And these victims, sirs, in the great majority of cases are not bad people. There lie within prison walls many boys who heroically sprang from the trenches and bravely faced the fire of the machine guns in France. There lie rotting within those cells many men who were useful citizens and who beyond all doubt were never guilty of a real crime.

Look once more! One hundred and thirty thousand human beings in prison stripes are marching in the lock step. The procession extends for miles. It winds in and out like the folds of a gigantic striped serpent. Leering at it from the sidelines are the hard eyes of Bishop Cannon. Truly, the dream of Wayne B. Wheeler is realized. He has made "them believe in hell." And, merciful God, this occurs beneath the American flag. But still the fanatics demand punishment and yet more punishment. The cry is that of the degenerate Roman of Rome's degenerate days, "A man for the tiger and a man for the lion this morning, O good Quirites!" To this sad estate has the Congress of the United States and the American Government come.

I have already told you that General Andrews testified to the immense number of stills in operation. Let me call another witness. Mr. Buckner, then district attorney of New York, after a careful estimate, arrived at the conclusion that every year approximately 60,000,000 gallons of denatured alcohol were diverted from industry and redistilled for beverage purposes. The Government had loaded most of this denatured alcohol with poison. Doctor Doran, the present prohibition director, has testified that in most cases where denatured alcohols are redistilled, the poisons can not be altogether removed.

It follows that these poisons are eating away the vitals of millions of people. Malt extracts that will make more beer than ever was manufactured in the United States are now sold and made use of in the homes. Anybody can buy a can of it and make 5 gallons of beer in about five days. It is advertised on billboards throughout the country. Have you not all seen the billboard pictures of the amiable-looking old German lady holding a can in her hand and saying, "This is what Louie uses, and Louie knows." [Laughter.] The alcoholic content of that kind of beer is greater than that of the old-time brewery product and the beer is more injurious. Millions of homes are thus turned into little breweries and the beer is made in the presence and frequently with the aid of the children. If there is any danger to come from it and if the children should be guarded, the home is a mighty poor place for a brewery.

According to their own estimates, the authorities seized not more than 5 to 10 per cent of the liquor being smuggled into the country. And General Andrews declared that as importations decreased, moonshining increased. We have now progressed to the point that the "moon shines on the moonshine everywhere." [Laughter.]

When prohibition was enacted we all thought the vineyards were thereby destroyed. But the price of California wine grapes has risen from \$20 a ton to about \$175. The reason is that people are making wines in vast quantities.

Cider? They have now worked out a plan where one can let his cider get hard, freeze it in a refrigerator, bore a hole in the center where the alcohol is, and be drunk in five minutes. Compared with that stuff old bourbon whisky was a mild tonic. [Laughter.]

Even from the silos, where nature makes the stuff, the farm boy is drawing a supply.

All about the country everywhere—there is no exception—stills are running, in the mountain dells, along the banks of creeks, in cellars, in garrets, in garages, and, upon occasion, in the jails.

The seizures are merely farcical. A few days ago, within a short distance of the Capitol, the police finally discovered a still that had evidently been in operation for a very long time. It had a capacity of 1,800 gallons per day. When the raid was finally made, the officers found the still in full operation, but they could not find anybody who would admit he owned it. So they virtuously smashed the still. Thus

was the majesty of the law vindicated. The whole apparatus probably was not worth more than a few hundred dollars. It had doubtless turned out hundreds of thousands of gallons of liquor. This seizure was widely advertised throughout the country. There was a great beating of tom-toms over it. The Nation was informed that the prohibition officers had dried Washington up. Such is the ridiculous farce being enacted and reenacted all over the country.

This is the age of progress and discovery. Some enterprising genius discovered an excellent variety of whisky could be made from corn sugar; that, in fact, it had some advantages over sour mash. For whereas sour mash gives off an offensive odor liable to arouse the neighborhood gossips, whisky can be made out of corn sugar and the occupant of the next room not know whether they are running a still or doing the family washing.

Behold the march of the corn-sugar business. In 1914 sales were 175,000,000 pounds; in 1928 the sales were 968,000,000 pounds.

Everywhere in shop windows you can see whisky flasks exposed for sale. Since prohibition there have been sold more flasks, more corks, more bottle stoppers, more corkscrews than were carried or used by all the tribes of men who through all the ages have marched across this bank and shoal of time.

The supply of charred kegs is inexhaustible. Here is an advertisement in the Washington Star of February 16—just a little ad. It only mentions six things. The first three of them I will read:

Big cut-price specials at Peoples Hardware Chain Stores.  
Bottle caps, 3 gross, 50 cents; 3-gallon charred keg, \$1.59; Peoples malt sirup, 45 cents.

Six or seven places are indicated where these articles can be bought in the Capital from this one chain of stores. [Laughter.]

We may laugh or we may rave; the cold, hard fact remains that the prohibition law is not regarded and enforced and will not be regarded and enforced as are laws against real crimes.

If a Washington hardware store were to advertise "machine guns for gangsters at a reduced rate" the police would be looking after that place within the next 15 minutes.

But what avails argument and proof. Indeed, both are unnecessary in view of the high authority available. The National United Committee for Law Enforcement on February 18, 1929, put out a statement. I read excerpts, but I shall be glad to insert the entire article in the RECORD. One heading is:

#### THE TRUTH ABOUT WASHINGTON

The Capital City is seething in lawlessness and saturated with poison liquor, dispensed by bootleggers under various aliases, operating openly and sold in hundreds of places as sugar is sold in groceries.

One does not need a card of introduction or speak the shibboleth of the underworld to obtain admission or accommodation; all that is required is a thirst and the price. Anybody's money is good for rotten rum in Death Valleys.

Washington is a Sodom of Suds, sold openly behind false fronts and fictitious names, containing from 4 to 60 per cent of alcoholic poison and in some cases so labeled.

We make no loose charges. We are not hiding behind "estimates" previously made, or charges now headlining the press, or being uncorked in fluid eloquence on the floors of Congress, but after personal investigation by trained operatives.

Hundreds of such places, scattered all over the city, and in some cases in solid blocks, and not far removed from the Capitol itself, are found to be operating in violation of the law.

#### DEATH VALLEYS IN WASHINGTON

For the past month the united committee has been making an undercover investigation into conditions in this Capital City. For this work we brought experienced and trained men from outside the city, and unknown in Washington. They report to us the places visited, the hour, the date, observations, character of premises, and purchases seen and made.

The places include hotels, back-room bars, restaurants, lunch rooms, barber shops, tailor shops, cigar, delicatessen, and candy stores, and private houses with "rooms to let."

#### SPECIMEN REPORT

No. 247. Entered; E Street NW.; cigar store; 12.15 p. m.; purchased five drinks of gin, 25 cents per drink; sold in back room with sign "No admittance" on door. Time, 20 minutes.

Then there is given a list of places visited and dates, following which the statement continues:

Here are 342 places in which the law is flagrantly and openly violated and in which wine, gin, red liquor, corn, or whisky was being sold, and purchased, by the drink and bottle. In addition, there are numerous places all over the city where bottled "bay rum" is sold to all comers, containing 60 per cent of alcohol, according to the label,

and not marked for external purposes or number of Government permit given. Over 300 of these emptied bottles were left or taken from the down-and-out men in one week at the Gospel Mission.

Then the statement charges, in substance and effect, that there is graft among the police.

Here is an article from the Buffalo Courier-Express. It was sent to me by a former Senator. It is entitled "So this is Volsteadism":

As an indication of the need of definite information from presidential candidates to what they mean when they pledge themselves to prohibition enforcement, Detroit's bootlegging industry may be cited. Doubtless, comparable figures could be obtained in any city situated as Detroit is, in a border or coast district, where rum runners ply their trade.

Detroit's liquor business, including smuggling, manufacturing, and distribution, is estimated to employ 50,000 persons, with an output valued at \$215,000,000. It is second, according to a story printed yesterday morning in this newspaper, only to the automobile industry. The chemical industry is a big business in Detroit, but it is a "poor third" when compared with the bootlegging trade. Its annual production is valued at only \$87,000,000, or considerably less than one-half of the estimated value of the illicit liquor business.

But, Mr. President, why should we produce figures or evidence when Prohibition Director Doran states:

It is a matter of policy whether Congress wants to embark in the police business. If Congress wants to embark in the police business, it will take \$300,000,000 and a system of United States courts covering the land.

"If the Government wants to indulge in the police business," Volsteadism is from beginning to end nothing but police business. The suppressing of the manufacture, the transportation, and the sale of liquor comes within the category, "police business." So long as millions want to buy and other millions want to sell, you can not suppress that business, even if you were to do as Wheeler suggested: To call out the Army, the Navy, and the National Guard. Even if you were to do that, you would have to organize a force to watch the officers and privates to keep them sober while they were standing guard. That is the cold truth about the matter.

But, lest the evidence and authorities I have cited should be challenged, I call attention to certain admissions made during this debate by distinguished dry Senators. First, I quote the Senator from Texas [Mr. SHEPPARD], who in seeking to avoid the terrific effect of Doctor Doran's statement, could think of nothing better to say than this:

I understand it to be his idea that better results could be accomplished if the Federal Government concentrated its efforts on suppressing the supply of industrial alcohol at its source.

Mr. President, alcohol does not have a source; it has 10,000 sources. It is not produced in one place where it can be watched and held down. According to the information I receive—and I state it only on information and belief—industrial alcohol is not to-day as popular as "good old moonshine" made by the boys around the town, who are getting rich at the business.

Second, I quote the Senator from Washington, who stands sponsor for this barbaric amendment. However, I do not believe he wrote it. I think it was sent here by the Department of Justice. I will ask the Senator if that is not correct?

Mr. JONES. As I understood, the bill was prepared in the Department of Justice.

Mr. REED of Missouri. The Senator from Washington recently declared:

The greatest trouble we have had, I think I may say, has been from the intelligence unit of the Government seeking to discredit and to have removed men who are standing by the enforcement of the law. In one or two instances I was compelled to go to the President of the United States in order to protect men who were enforcing the law and standing by its enforcement from the machinations of the intelligence unit. I am glad to say that the President of the United States stood by me on that proposition.

Lord God of Hosts!—and I say it reverently—has it come to pass that the officials of one department of the Government are working with law violators against the officials of another department who are engaged in the enforcement of the law? If so, then the contamination of this law is even worse than I have pictured it; for I did not presume that officers sworn in one department of the Government would dare to undo the work of other officers sworn to enforce this law. Here we have another illustration of the fact that when you declare that a crime which the majority of human beings do not believe is a crime, everywhere people protest, everywhere the arm of the law is paralyzed.



The Senator from Washington continued:

I do not know what their business—

That is, the business of the intelligence unit—

has been in other States. I do know that the principal work of the intelligence unit in the State of Washington has been to discredit the prohibition enforcement officers.

The Senator nods his head, and says that is the fact. While I differ from the Senator on many, many things, I know that he is a man whose word is good everywhere.

But, sir, the story can all be epitomized in a very brief statement by the distinguished Senator from Georgia [Mr. HARRIS], who is the author of the proposal to increase the prohibition-enforcement appropriation by \$25,000,000. We all know that if there are four sincere prohibitionists in all this world, the Senator from Georgia [Mr. HARRIS] is one, the Senator from Washington [Mr. JONES] is another, and the Senator from Texas [Mr. SHEPPARD] is the other two. [Laughter.] Standing here at the end of 10 years of this thing, looking back through those years and surveying the scene, the Senator from Georgia declares:

Every Senator, whether he is in favor of this law or not, knows that its enforcement is a farce. \* \* \* Not only is this law violated, \* \* \* but it is causing the people of this country to lose respect not only for this law but for all laws; and I do not know of any greater harm that is being done than for our people to lose respect for law of any kind.

To that I say, "Amen." General disrespect for all laws is the greatest harm that can befall our Nation or can curse our race, and it is the direct product of this law. It is its legitimate child. It springs from it as naturally as plant life springs from the fertile earth.

Said the Senator from Georgia:

It has been a farce from the first—

He then added by way of apology—

because they have not had the money with which to enforce it.

How much money? How much money? We are spending this year, directly and indirectly, \$50,000,000. Those are the figures given to me by the Senator from Wyoming [Mr. WARREN], who is in charge of the appropriation bills. That is the amount spent by the Federal Government alone. That undoubtedly can not include many incidental expenses. How can you estimate the increased cost of courts and separate that cost from the usual expenses of litigation?

It would, it seems to me, be very difficult to do that. How much more does it cost if 100,000 men are locked up in jail and taken from useful employments? The economic loss and expense is not less than \$200,000,000. How much more does it cost? The figures given, of course, do not embrace the expenses of enforcement in the 48 States. Neither do the figures I have given include imprisonments made by State officers. I do not know what may be the situation in other States, but I am sure the convictions by the State courts of Missouri far outnumber those secured by the Federal officers within that State. First and last, it seems to me it would be wholly within the limits of conservative statement if we were to say that this law costs the State and local governments at least \$100,000,000 per annum. And that the economic loss is at least \$200,000,000 more.

How much does it cost? The revenue which the Government might derive mounts to stupendous sums. If this business were taken over and properly managed, if the Government obtained a revenue upon the liquor that is to-day being sold, I am sure the annual interest upon the national debt could be paid, and I think the entire debt could be wiped out in 20 years of time.

How much does it cost? No man can measure its cost. No man can give an accurate estimate. This much we may be sure the amount is appalling.

You say, "Ah, but we abolished the saloon. We eliminated the distillery."

You did not abolish the saloon. You split the saloon into a hundred parts and scattered the parts into every hamlet and village. You have made peripatetic that which was a fixture. Instead of being located in one spot, the saloon perambulates around the country in automobiles. The bar is condensed into a gripsack. The sales are by the case instead of by the glass. The saloon is still here, and more people are engaged in the business than in pre-Volstead days. You did not exterminate the brewery. You made millions of little breweries and installed them in the homes of the people.

Ah, but why need I argue the failure of prohibition when it is solemnly admitted on the floor of the Senate by distinguished dry Senators that the whole enforcement has been a farce?

If the admissions do not cover the case, then no logic or assertion of mine will avail.

But, Mr. President, there is a phase of this question graver than any I have touched upon. In preliminary, let me repeat that there never has been a race of men that has not had some form of stimulant—not one. You may dig in the catacombs, you may explore the sepulchers of vanished races of men, and you find there the evidence that always, in some form, man has used stimulants. That fact betokens a natural appetite, a natural demand. The great races have been the ones most addicted to alcoholic beverages.

A condition of that kind must be dealt with in a practical way. If the appetite or desire generally exists, the fact should be recognized and so dealt with as to produce the best possible results. I will go as far as any other man will go in appeals to people to restrain themselves, in pointing out the evils of over-indulgence, in doing everything that can be done by moral suasion and sensible regulation to limit the use of these stimulants. I am, however, convinced you make a tragic mistake when for the persuasions of argument you substitute legislative command, "Thou shalt not drink." By saying that you create an entirely different psychology. Like it or not, the average man says, "I don't care a snap of my fingers for that law." Like it or not, we must face the fact that men are just men, and women are just women, and that when you tell them they "shall not" do a thing which they believe they have the right to do, you plant in their minds the impulse to immediately proceed to do it. That is exactly what has occurred.

Another phase of this psychology is that liquor, once a common thing that anyone could obtain at any place has now been lifted, notwithstanding the enormous quantities of it still available, to a point where it is regarded as in the nature of a luxury. There is not a living American who does not regard almost every luxury as a prime necessity of his life.

Accordingly, at parties, at balls, at dinners, and at dances this "luxury" is dealt out. The lad who once was told that strong drink was the potion of death, that in the cup lurked the coiled serpent of destruction, now regards drinking as a good-natured escapade and a pint of whisky on the hip as the equipment of all good fellows.

Ah, this is no dream, this is no occasional thing; it exists almost everywhere among almost all classes of society. The cocktail is dispensed as a luxury and the highball follows on. Men and women who in the old days would not have served a drink in their homes now regard it as a necessary act of courtesy. Mothers, who a few years ago would have warned their daughters not to associate with boys who drank, now, all too often, will hand their daughters the liquor served at parties.

That is true. Deny it? Yes; stand up and deny it, and try a little longer to mislead the world. The fact is here, and if a man could consistently with decency do so, he could read a list of names as long as my friend SHEPPARD's list of jailbirds.

Girls guzzle it with boys. It is served in clubs, not by the clubs, oh, no; not by the proprietors of hotels and eating houses, oh, no. All they furnish are the glass, and the ginger ale, and all the boy does is to furnish the moonshine. Thus we are corrupting the youth of the land. I say to you prohibition friends, and I say it as solemnly as I have ever uttered anything in my life, we are corrupting a class that rarely was endangered or tainted in the past, and upon your souls and consciences the weight of the burden must rest.

There follows a tale more horrible. Whereas once people could get good beer, and a little stimulant from it, they now resort to home-brew which while it is made in the homes in vast quantities, is rather vile stuff. Or they consume gin and rum and whisky. These strong liquors are now used by millions who before prohibition never touched anything but light wines and mild beer.

Ah, if the story but ended there, it would not be as black as that which I am about to relate. Bootleggers of whisky are likely to become bootleggers of drugs. When men can not get a stimulant in the form of the kind of liquor they want, they go to something stronger than that. According to the best authorities, there are in the United States to-day more than a million drug addicts.

We never at any time had that number of habitual drunkards. Mrs. Bonfils, a distinguished writer and a lady of great ability and unquestioned honesty, and to whom I am indebted for much of the information I am about to give, says that dope is peddled to schoolgirls. They are told: "Here is a little breath of happiness that makes you forget." In the short space of 10 days the iron grip of the drug is fastened upon their souls and bodies; they are manacled slaves the rest of their lives. Dope is also distributed and used in alarming quantities by the worst criminal classes. From it they get the inspiration of a false

courage that enables them to commit crime. All too often the lady of fashion in the seclusion of her boudoir resorts to drugs to soothe her tired nerves; likewise dope is frequently the bracer of the professional gentleman who for the hour needs extra enthusiasm.

Is the dope habit growing? Oh, you people who have turned all the batteries of your wrath against a glass of beer, what say you to the fact that, running parallel with your prohibition movement, has come this horrible advance in the use of narcotics?

The secretary of the opium conference of the League of Nations declares that 786 tons of opium and 12 tons of coca leaves are more than sufficient to supply all the medical uses throughout the world.

Hon. STEPHEN PORTER author of the Porter bill, estimates the need of legitimate narcotics for the medical practice of the world to be 125 tons or less. John Palmer Gavitt, former managing editor of the New York Evening Post, and one time chief of the Washington bureau of the Associated Press, discloses in his new book, *Opium*, that the world is producing between eight and ten thousand tons of raw opium every year and doing it legitimately.

United States Attorney Charles H. Tuttle, a very high-class man, states his belief that the value of drugs smuggled into the United States last year was between \$25,000,000 and \$50,000,000.

What happened to the cases of ships bringing that in? The first case I cite is that of the ship *President Taft*, which came into the harbor of San Francisco on July 14, 1927, with a cargo of 830 tins of narcotics, valued at \$29,300. A fine of \$146,650 was levied against the company. The company appealed to Washington and the fine actually paid was \$3,000.

July 1, 1926, the *President Lincoln* came into San Francisco Harbor carrying 197 tins of contraband opium; the fine levied was \$32,825; the company appealed to Washington and got off with a payment of \$1,000.

May 1, 1925, 388 tins of narcotics were seized on the Korean ship *Maru*. There were levied fines of \$31,050; the fine actually paid was \$100.

The *Rochambeau* brought \$5,000,000 worth of dope into New York Harbor in December, 1928. The case against that company is still pending.

The *President Harrison* brought into New York Harbor on October 2, 1928, \$1,000,000 worth of dope. These doubtless are but a few of the great number of importations and miscarriages of justice.

Notice this: The price of narcotics has fallen from \$50 an ounce to \$25 an ounce in the city of San Francisco. In Chicago it has fallen from \$50 to \$20 an ounce. In New York narcotics can be bought for \$12 an ounce. That shows that the market is flooded. Besides, new varieties of dope are being created.

It is further stated that in 1922, 24 per cent of the prisoners in the Leavenworth prison were drug addicts, and that to-day 60 per cent are drug addicts.

What has that to do with prohibition? Everything. If people have a natural desire for some kind of a stimulant, and if they are set on satisfying that desire, then, in the name of high heaven, let us permit them to have that kind of a stimulant which does not utterly destroy them. Let us not drive them to these baser expedients.

We can not make people over. All that we can do is to restrain and help and guide and counsel. We should bear in mind that the personal habits of the individual are the business of the individual. So long as those habits do not impinge upon the rights of other people, we have no right to interfere except by persuasion. There is the line, and when we overleap it we bring disaster.

Senators, did you ever stop to think of the absurdity of this prohibition law? If the subject were not serious, its contemplation would provoke laughter. Consider this: A man approaches a bar and asks for a glass of beer. The bartender sells it to him. The transaction thus far is voluntary and perfectly amicable. Then the bartender concludes to rob the customer, and murders him in cold blood and takes his purse.

A United States marshal witnesses the sale of the beer and the murder. Under the law this ridiculous situation exists! The marshal can arrest the culprit and take him before the United States court for selling a glass of beer, but he can not take him there to be tried for the cold-blooded murder and robbery. We trust the States to try every kind of crime except violations of the prohibitory law. We trust them to protect us by the apprehension of burglars, of highwaymen, of fraud mongers, of fiends, and of thieves, criminals of every kind, no matter how desperate or vile; but we do not trust the States to regulate the sale of that which a large percentage of the people want to buy. What an absurdity! The purpose of the eighteenth amendment was to force prohibition upon unwilling

States. So we have the spectacle of great States with millions of people, the majority of whom protest against prohibition.

There is no man of good common sense who does not know that there can be no effective enforcement of any law among any free people where the majority of the people are opposed to it. It can not be done and it ought not to be done, for freedom consists in the right to live under laws enacted by the consent of the people.

All the while that we have proceeded along this line of unreasonable restriction of mild stimulants the deadliest serpents that ever have been loosed, the serpents of opium and of narcotics, are destroying the people of the land. Drugs are not like whisky, which can be smelled on the breath, and thus bring exposure. They do not give any evidence at first. The poison is distilled gradually. It steals through the veins. The habit grows through the years, until at last from the pallid lips of the victim comes the cry of maniacal despair. Ah, what an army is this army of drug addicts, a million men and women. An army of the living dead marching through the golden fields of earth, but their dull eyes see only the distorted pictures drugs have painted in disordered brains.

We, sir, have been all along pursuing the wrong philosophy. We have relied on law and abandoned reason. We have come to believe in the logic of the lash, the persuasive power of force, and we have substituted handcuffs for moral precepts and chains for prayers. No longer do we hear the old appeal to reason and to right. No longer are there kindly words, gentle handclaps, and appeals to reason and to conscience. Rather the prison cell, the sound of shackles, the rattling of gyves, the death rattle in dungeons. Thus we seek to make men good. I affirm it to be true that in all the tides of time no law made by man ever made a good man or a good woman—not one. Law may have restrained the murderer's arm, but it did not remove the impulse of murder from his heart. It may have restrained the hand of the thief but it did not remove from his soul the desire to steal. It may have restrained the highwayman, but he still at heart was a robber. Law never made a man good. It may have protected the innocent from the wrongs of the wicked, it may have restrained the criminal, but it did not purge his heart or make white the blackness of his soul.

What is it then that we must look to? Ah, my friends, there are two realms of the law. First is the law passed by legislative bodies, the civil law. Its business is to protect life and property and restrain aggression and wrong. That is its realm. It is protective.

But there is another realm of law—the realm of the moral law. Its principles were written by Almighty God upon the hearts of men. They have been taught by the mother's gentle voice as in the ear of her daughter she whispered of rectitude and virtue, and by the father as he pointed his son the way of honor. This is the great law. It controls us in nearly all the acts of our lives.

What law of man has ever planted a noble impulse in the heart? Men will leap into the flood of rivers to rescue a stranger. They then obey not any man-made law; they answer the call of nature, the voice of conscience; they obey the impulse of nobility. Men will yield their lives to save a child. But no law of man commands the sacrifice. They respond to the mandate of the moral law.

On the great moral law we must at last rely. It alone makes men fit to live upon the earth. It alone will make them temperate, just, honest, and decent.

We have attempted to substitute for the persuasion of the moral law the force of the statute law. Senators, I warn you, the American people can not be forced to do anything. Nevertheless, "a man for the lion and a man for the tiger" is the cry of the day.

Mr. President, Montaigne has well said:

It would be better for us to have no laws at all than to have them in so prodigious numbers as we have.

And Thomas Jefferson:

The nation that is least governed is best governed.

I could quote the words of others of our mighty dead whose hands did "shape the anchors of our hope," but it would be useless to proceed further.

If you ask me, Mr. President, what remedy I would suggest, I answer, let us go back to the original principles upon which our Government was founded. Let us once more say that the States are capable of self-government. Let us repeal this obnoxious, this hideous amendment. Then let us say to the State of my friend from Utah [Mr. KING], who is honoring me by his presence, "Let Utah handle this question as befits her people and as suits her purpose." To the State of my friend from



Wyoming [Mr. KENDRICK], let us give the same message, and so without going through the list of names, to all of the States let us say, "This is your business. It is a matter falling generally within police regulations. We trust you to apprehend the murderers, to put down crime, to suppress vice, to protect life and liberty and property, and we will trust you in this matter."

Then, sir, I am willing that the States shall be protected in the exercise of that right by the Federal Government providing, as it did provide under an amendment which years ago I offered to a bill of the Senator from Washington [Mr. JONES], that when a State prohibits the manufacture and sale of liquor within its borders, liquor can not be sent into that State in interstate commerce without becoming immediately subject to those State laws. Let us then repeal this law. Let us then discharge the snoopers and the spies, the sneaks and the criminals who have been employed with our money to haunt our doors, to break open the windows of our habitations, and to murder our people upon the streets. Let us discharge them, and as they go let us say that in this country under this flag a system of spies and espionage is a foreign and an abominable thing, and that it shall be utterly wiped out in this Republic. Let us bring this business, wherever it is conducted or how it is conducted, into the open, where it can be carried on either by officers of the law or by men who are not criminals the moment they embark in it. Let us put it in the sunlight where it may be seen. Let us fix it so that the man who buys it buys it in the open and takes the responsibility before his neighbors and his friends. Let us go back to the old principles and old doctrines of the sovereignty of the States and the right of the American citizen to regulate his own life and control his own walk down the pathway of the years.

Mr. BORAH obtained the floor.

Mr. JONES. Mr. President, will the Senator from Idaho yield to me for just a moment?

Mr. BORAH. I yield.

Mr. JONES. I desire to present and to have read an amendment which I intend to propose at the first opportunity.

The PRESIDING OFFICER (Mr. GLENN in the chair). The clerk will read the amendment.

The CHIEF CLERK. It is proposed to insert at the end of section 1 the following proviso:

*Provided, That it is the intent of Congress that the court, in imposing sentence hereunder, should discriminate between casual or slight violations and so-called regular bootlegging or attempts to commercialize violations of the law.*

Mr. BLAINE. Mr. President, will the Senator from Idaho yield to me in order that I may offer an amendment?

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Wisconsin?

Mr. BORAH. I yield.

Mr. BLAINE. I desire to present an amendment to the pending bill. I propose the amendment now and shall formally offer it at the proper time. I send it to the clerk's desk and ask that it may be read. I offer the amendment at this time, Mr. President, so that it may be before the Senate at the same time that the amendment just proposed by the Senator from Washington [Mr. JONES] may be considered.

The PRESIDING OFFICER. The clerk will read the amendment.

The CHIEF CLERK. It is proposed to amend the bill by inserting, after the word "offense," in line 9, the following:

When the offense embraces illegal manufacture for sale, sale, transportation for sale, importation for sale, or exportation for sale.

Mr. BORAH. Mr. President, when I asked on Saturday last that the unanimous-consent agreement might be vacated I did so not only because of my desire to hear the Senator from Missouri [Mr. REED] in the full presentation of his views upon this important question, not only because I am always interested in any presentation he may choose to make upon a subject, but for the further reason that I think it well to have full discussion of this subject from time to time. Indeed, I think the most unfortunate thing that could possibly happen to the present program of dealing with the liquor problem would be that of indifference or failure to call to the attention of the country the different phases which it from time to time presents for our consideration.

Mr. President, before I enter upon a discussion of this subject I take this occasion to say how sincerely our regret deepens as the time approaches when the Senator from Missouri is voluntarily to retire to private life. Those of us who have served with him during these long years—some of them tragic years—and have come to know of his great qualities, regard his retirement as not only a loss to this body but a loss to the country.

It is the retirement of no ordinary man; it is the retirement of an extraordinary man; a man whose industry and courage and genius have placed him among the foremost men of his day. I regret that he is voluntarily to retire. I trust, however, Mr. President, that he will find time from the engagements of his profession, of which he is a distinct ornament, to consider and discuss public questions; that we may have the benefit, at least in that way, of those attributes of mind and qualities of character with which he is so richly and so rarely endowed. As these are the closing days of the session I felt I could not say less, and if I should entirely consult my feelings I would say much more.

Mr. President, with very many things which the Senator from Missouri has said I am in full accord. I think upon the fundamental question which is involved in this controversy I am in accord with the Senator. The Senator from Missouri referred to the fact that there are those who insist upon enacting such laws as this but who, nevertheless, live in violation of the law. He said that in his opinion such individuals were deserving of the severest condemnation. I am bound to say with that statement I believe all right-thinking men and women will heartily agree. It ought to be an axiom of decent citizenship. If those who make the law live in violation of the law the ax has already been laid at the root of the tree of representative government. There is a peculiar and a heavier obligation resting upon those who make the law than upon those for whom the law is made, although, of course, it binds all. But, upon reflection, Mr. President, how are we to distinguish between those who make the law and those whose duty it is to execute the law. If there be included the latter with the former, then let the Senator from Missouri unleash his fine irony and his scathing invective; he has a subject worthy of his talents. I think one of the most serious conditions with which we have to deal not only with regard to this but with regard to other laws is that those of us who make the laws and those who execute the laws standing in places of trust and tremendous responsibility do not often enough think of the fact that, perhaps, more important than are laws is the example which we ourselves set to the citizen. I think that is a matter about which the entire country can well reflect; and the Senator has stated it in his own inimitable way.

The Senator said that prohibition was the crime of crimes which had been committed in the matter of legislation in the United States. With that I can not agree. It may have been a mistake, Mr. President; the people of the United States may have erred in their judgment; time and experience alone will demonstrate that fact; but it was not a crime. The people of the United States were in sincerity wrestling with that which was deemed to be one of the great evils of modern civilization. Everyone had been brought to realize that in some way, and in a more effective way, it was the duty of the people of this country to deal with this problem. The object was an exalted one; the purpose embodied something of the ideal, though possibly in the end it may prove impracticable. That time, as I have said, will determine. But that which they would have accomplished was void of all intent to do injury to the people of the United States; it was to serve them. No; it was not a crime to undertake to control and bring under the direction of law and under the domination of civilization that which would undermine and destroy civilization. It was and is a great evil, and to struggle for its control or to be rid of it can in no way be regarded as a crime. We may not have found as yet the right remedy; I do not know. The fight against the liquor traffic is not for 10 days or 10 years; it is an eternal fight, and only from step to step and from progressive acts can we finally determine how we shall ultimately deal with it. But the question is whether or not it was an error, whether or not it was a mistake.

I am not committed, Mr. President, to all opposition against the modification or even the repeal of the eighteenth amendment; I am not committed against the modification or even the repeal of the Volstead Act; I am only committed against the change, the repeal either of the amendment or of the law, so long as nothing better and more effective has been or can be presented.

If there be a better way to control the evil of drink, a more effective way, more thorough, and with better results to those whom we would serve, let us have it. The object is to secure the best possible remedy that experience and the human mind can give us upon this subject; and, while at the present time, in my judgment, no better plan has been proposed, no better scheme devised, and I stand for the program as it is, let it be understood at all times that we are open, as I presume all advocates of better regulation or better control or a better deal are open, to consider any plan which may be presented and which will stand the test of reason. But it must be a

better plan. It must give assurance that we are making progress. There is to be no retreat. Revolutions do not go backward.

I do not find fault with those who advocate the repeal of the eighteenth amendment. I may differ with them as to the arguments which they put forth, and as to the reasons with which they undertake to sustain their position; but the right to advocate the repeal is a sacred right—just as sacred as the right to put an amendment in the Constitution in the first place. The test of free government is the right of the people to write and unwrite laws, the test of good citizenship is obedience to the law when written. We are not quarreling with our friends about their right to urge a repeal; and, far from quarreling about a better scheme, we invite them to present it, to present it with all their power and ability, and let the American people ultimately pass upon it.

But this much I venture to say in the beginning of my remarks: That the eighteenth amendment will stand in the Constitution of the United States until the moral forces of the United States decide that something better is presented to control the liquor problem. There will be no going backward upon the effort of the human family to control this evil which has been torturing and tormenting them for 3,000 years and more.

No one need argue with me, Mr. President, as to his right to urge the repeal; but, while not committed against a change, as I have stated, I am committed to the enforcement of the present provision in every reasonable, practical way so long as it is a part of the Constitution of the United States. That presents a question far superior, to my mind, to the question of "wet" or "dry," of liquor or no liquor, important and vital as it is. The question of enforcing prohibition while it stands, of massing and crystallizing and organizing the moral sentiment of the country and the legal forces of the country to maintain our Constitution, presents a question infinitely more important to me than the question of liquor or no liquor. That involves the existence of our Government, the preservation of the principles upon which we build, the hope of the future. The only things we can expect of the future are the liberties and the rights which a regard for the Constitution as the people have written it will give to us. When we are fighting for that principle we are fighting for free government—for the right of the people to rule. That transcends all other issues. That is the issue which holds me to this contest against all adversity, against all criticism, upon that issue I stand.

The Constitution says:

The manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

There it is, the fundamental law of the land, adopted according to the method provided by the fathers; just as much a part of the law of the land as the fifth amendment to the Constitution of the United States; just as much a part of the law of the land as that which gives a man the right of trial by jury; just as much a part of the law of the land as that which protects his right under habeas corpus; just as much as that which protects the freedom of the press, or the right to worship God according to the dictates of one's own conscience; just as much as any other provision of the Constitution of the United States; and the obligation is upon us here, and elsewhere in the country, to support it, maintain it, and to enforce it so long as it is a part of the Constitution.

The Supreme Court has said that—

The first section of the amendment—

The one embodying prohibition—

is operative throughout the entire territorial limits of the United States, binds all legislative bodies, courts, public officers, and individuals within those limits, and of its own force invalidates every legislative act—whether by Congress, by a State legislature, or by Territorial assembly—which authorizes or sanctions what the section prohibits.

This was not only writing into the Constitution a specific provision of law; it was the adoption of a great national policy. The people had struggled with the liquor question in one way and another for many years. They had tried the license system, local option, State control, and different methods by which to control the saloon. They finally came to the conclusion that as a matter of national policy they would adopt the prohibition policy and write it into the Constitution of the United States. That presents to me the only problem that there is before us at the present time, and that is, "The Constitution being there, how shall we maintain our system of government?"

Upon that question the able Senator from Missouri and I are not in disagreement, as I understand. I understand that he takes the position which he has always taken: While he would repeal the eighteenth amendment, for reasons to which I shall refer later, while it is there, as I understand, and, knowing him as a great lawyer and a patriot, as I would expect him to be, he is for the enforcement of the Constitution of the United States.

Upon another occasion he said:

When the Constitution was amended it became the paramount, the supreme law of the land. When the Volstead Act was passed it became the statute law, and Constitution and law became binding upon all citizens and all public officials.

An axiomatic proposition, yet too often forgotten in these days; a simple proposition upon which all free government rests, yet too often forgotten in these days. Written into the Constitution, the law adopted, they bind all citizens, and all citizens ought to recognize that fact.

Mr. President, the trouble in this situation lies deeper than the prohibition law itself, as I shall undertake to show later. I fear sometimes—although I am not a pessimist, I trust—that we have come to forget in this country just what a constitutional government means. It means, this, and practically nothing more: That unless the people have that reverence for the Constitution which commands of them obedience and respect there is no such thing left as constitutional government. There may be many individuals who will violate the law or violate the Constitution; but the great mass of the American people must come again to realize—if they do not now realize—that when they themselves write the law, as they do when they adopt a constitution, they must be bound by and respect that law until they themselves rewrite it.

Again the Senator said:

The Constitution and the statutes must stand and be obeyed unless they are changed or repealed in the manner and form laid down by the Constitution. There should be no evasion; there should be no attempt to accomplish their destruction by indirection. In my opinion, the eighteenth amendment will stand until and unless the moral forces of the Nation become convinced that there is some better way to deal with the liquor problem.

Yes, until the moral forces conclude there is a better way.

As I understand the Senator's position and mine, they are identical upon this great, fundamental question that the Constitution is there, adopted by the people; the law is there, enacted by Congress; they should not be evaded; they should not be circumvented; all good citizens and all right-minded people should assist in maintaining them and enforcing them. With that question settled, Mr. President, we have nothing before us until we come to the consideration of some new scheme which involves a repeal or an entire change of the law. Let us have the new plan. Let us have the next forward step in the settlement of the liquor problem.

I shall not, of course, take issue with the Senator upon the question that there are violations of the law. I know that. I certainly shall not take issue with him upon the question that the law has led to corruption. I know that. I call his attention to the fact, however, that there never has been a law with reference to liquor placed upon the statute books of any civilized nation on the earth that the liquor forces did not undertake to break it down, to violate it, to undermine it, and to corrupt the officials. It is the history of liquor legislation from the beginning until this hour. It is not within the ingenuity of the human mind to devise a liquor law that will be satisfactory to the liquor interests. They are seeking to do with this law what they sought to do with every law. I do not care where you go, when it was, or how you undertake to deal with it; we had the same condition of violation, of corruption, of deceit, of fraud that we have now in regard to this matter; and as I shall undertake to show in a few moments, every system of dealing with liquor at the present time is having to meet that exact problem.

Before I go on further, let me go back to early days of the Republic, when it was proposed to place a high tax upon the importation of liquor into the United States. If you will take up the debates which occurred upon that question, you will find just the same contention that is made now—that that kind of a law can not be enforced; that it will lead to smuggling, to bootlegging, to violations of the law. There must be no law. The evil wants a free rein.

Here is one paragraph from a noted Member of Congress at that time:

But suppose we yield to the reasoning of my opponent and lay a high duty and check the importation of rum. What will happen? We shall



defeat our purpose. The country will be just as immoral and much poorer than at present. Not a hogshead of the liquor will be seen on our wharves, not a shilling of revenue will be collected from it by our customhouse officers. Yet at all the inns and taverns in the land rum will be as plentiful and as cheap as ever. Does any man suppose for a moment that the thousands of artisans, and the mechanics, the tradesmen, and the fishermen, to whom liquor is as much a necessity of life—

Blessed old thought, ancient and faded, how often it returns [laughter]—

as meat and bread, will upon a sudden cease to drink it because it is taxed with a great tax? Will they not rather set on foot 10,000 schemes to evade the duty? And is there any ingenuity so marvelous as the ingenuity of men who seek to circumvent an unwise law? Lay such a tax and in a few months every creek, every secluded bay, every swamp along the whole coast from Maine to Georgia will be a nest of smugglers. There, in the dark of each moon and in the blackness of each stormy night, hogsheads of the forbidden liquor will be run ashore and buried in the marsh, or hidden in the cellar of some fisherman's hut, to be reshipped to the great seaports of the country. Then will spring up a mode of tax gathering odious to all. On the land, an army of customhouse officers, tide waiters, and gaugers. On the sea, a navy of ships, hailing every schooner, boarding every packet, giving chase to every shallop that comes in sight. And when the money collected with so much pains has been counted, the cost of ships and officers paid, and the books balanced, it will indeed be astonishing if a single shilling remains over in the Treasury.

The same tender regard for the Treasury of the United States, the appetites of the workmen, the possibility of evading the law, the application of smuggling and spying and treachery upon the part of the officers, all advanced from time to time, and every time that the United States has proposed in any way to deal with the liquor question. No new arguments under the sun.

I repeat, there is violation now, there is corruption now, there has always been violation, there will always be corruption whenever a liquor law is advanced and put upon the statute books and undertaken to be enforced. What the liquor interests crave is the right, uncontrolled and unhampered, to prey upon the human race to its full insatiable appetite.

Just a word, Mr. President, before I pass on to the different systems. I wish that violation of law and corruption of officials were confined to the liquor problem. What a fortunate country this would be. I wish, as we survey the situation, that we could feel that only with regard to prohibition or enforcement is there violation or crime. Unfortunately it is not so. What are the violations of the liquor law compared to the corruption—the saturnalia of corruption in this country in 1921, 1922, and 1923 of the highest officials, men most responsible in Government—with corruption permeating out through the entire country; apparently more money involved and more taken in one transaction than these pilfering thieves in the Department of Prohibition would take in a hundred years.

Perhaps this arises to some extent out of a condition that followed the war. Let us hope so. We find it in other countries. We find it remarkably strong in other countries. Let us hope that it is a condition which followed the war.

Yet, when we make that allowance, we must refer to one thing more, that is, unfortunate as it is and humiliating as it is to admit it, the United States has not yet learned the science of enforcing its criminal laws. That is to-day the greatest and most profound domestic problem, in my opinion, in this country, the application and the enforcement of the criminal law, not alone with reference to prohibition—that is but one department—but with reference to the entire scope of human activity undertaken to be covered by the law.

We have had in this country, on an average for the last 15 years, 8,700 murders a year. In 1918 there were 18 murders in the city of London. Fifteen of the murderers were apprehended and punished. In the same year there were 230 murders in the largest city in the United States. I have not the exact figures, but I am informed that only a small percentage were punished.

In the year 1922 there were 17 murders in London. In 1922 in the largest city in the United States there were 260 murders, and in the next largest city there were 137 murders.

In 1921 there were 121 robberies in all England and Wales combined. There were 1,445 robberies in one city in the United States and 2,400 in another.

Underlying this entire question is the fact that the American people must gird themselves for the supreme task in civilization, and the crucial test of a self-governing people; that is, whether or not they can enforce the laws which they themselves write. That is the test of a self-governing people, whether the people can enforce the rules which they lay down for themselves.

We have been so busy in conquering a continent, in clearing the forests and reclaiming the deserts, and getting ourselves ahead in the great struggle for dominancy of our natural wealth that perhaps we have not given to this other problem the consideration which older communities have given to it. But it is here; it confronts us. Let us not be misled by reference to prohibition alone. It is an underlying proposition with which the American people must deal; and just such speeches as that made by the able Senator from Missouri will, although devoted largely to one question, emphasize and call to the attention of the people the fact that they are facing the proposition of preserving the first principles of representative government.

In one sense I am not surprised that there should be this disregard of law throughout the United States. We have a class of individuals—fortunately there are none of them in the Senate, the people are too careful about that—we have a class of individuals in this country, learned gentlemen, who seem to regret that their ancestors ever came to this country, who are engaged constantly in attacking the first principles of free government, and now they would lay down the rule in this country that if an individual does not like the law he has a right to violate it, to disregard it, to join with others and nullify it. They have laid down the rule that, "If I do not like a particular provision of the Constitution I need not appeal to my fellow countrymen to repeal it, but I may violate it and disregard it."

In one of the leading magazines of the United States, an old magazine of high standing, I read an article in which I find this—

He who obeys a law which is wrong contributes by that to the final debacle, the intensity of which is increased because delayed by that obedience.

"The man who obeys a law which he does not think is right." Who determines whether or not it is right? Who determines in this country whether a law is right or wrong, and how is it determined? Do individuals determine that question? Are there 117,000,000 individuals passing 117,000,000 judgments on a provision of the Constitution?

The fathers were too wise for that. They provided that the Constitution could be amended in a certain way, and when it is amended, that is a determination that what is contained in the amendment is right under our form of government, until the people in the same way revise their judgment and determine another course; and a man who teaches that an individual has the right to determine for himself is a traitor to the institutions framed by our fathers and maintained by our forebears. I do not care what his standing may be—lawyer or professor—or for whom he may presume to speak, he is disloyal to American institutions.

If a large number of citizens are convinced that an act compels them to live lives of hypocrisy, cowardice, and servility, they will feel no moral obligation to observe the law. On the contrary, they will develop an esprit and morale in the breaking of it in the name of patriotism.

Are you surprised that the ordinary bootlegger, looking up to those of learning, perhaps able to read the literature of the day, finds that he is pursuing a course marked out by those who assume to speak with authority? Are you surprised that the young men or the young women, inclined, perhaps, to disregard the precedents of their father and mother, find here in the literature of our country a statement that they may go counter to and disregard the laws of the land?

Ah, Mr. President, the able Senator spoke of the moral law. Let us appeal to it here. Let us invoke it here. The highest evidence of morality in a republic or a democracy is to observe the law which the majority have written. There is no morality that can be governed by political principles if that is not true.

Then this author says, in concluding his atrocious article:

The nullification of the fugitive slave law developed men like Abraham Lincoln.

What a miserable slander, what a cowardly implication, telling the young people of this country that Abraham Lincoln built his character and his career upon disregard for the Constitution of the United States.

Lincoln said upon one occasion—I quote from memory—"I hate slavery"—using a word which seldom fell from the sacred lips of the martyr. I never saw it except with reference to slavery.

I hate slavery; but it is in the Constitution of the United States. It is protected by the provisions of the Constitution of the United States. So long as it is, it must be protected. Therefore—

Said he, and I quote, I believe, almost his exact words—we are in duty bound to preserve that Constitution in letter and in spirit.

When he came to be inaugurated President of the United States out here in front of the Capitol, his last plea before the dread carnage of the Civil War broke, and brother was arrayed against brother, hero against hero—the last plea of the martyred Lincoln was that the northern people respect the Constitution of the United States, give the southern people their fugitive slave law, and enforce it, as the Constitution of the United States obligated them to do. Yet there is circulated here as a part of the literature of the day the statement that the then President of the United States was an advocate of lawlessness, an advocate of the violation of the Constitution of the United States.

Let me read another statement. A lawyer of Connecticut—I understand him to be a member of the Connecticut bar in good standing—has written a book upon constitutional government and the duty of the citizen, particularly around the Volstead Act and the Constitution of the United States, particularly the eighteenth amendment. Let me read from this book, which is being circulated now by an organization which is engaged in trying to convince the people of the United States that the eighteenth amendment can not be enforced. This is what I find in that book:

The eighteenth amendment is void in so far as it purports to give the United States authority over intrastate business. The decisions of the Supreme Court of the United States which purport to authorize the transfer of police power from the States to the United States under the eighteenth amendment are not binding upon the State or its people.

Mr. President, if I were going to reach out and get a man who ought to have this \$10,000 fine and five years' imprisonment applied to him, he is the first gentleman I would hunt for. I would punish, if I could, the man who teaches violence rather than the poor creature who listens to and practices such teachings. I believe in free speech, but I believe when a man preaches a doctrine that is disloyal to his government, he ought to take the responsibility for having abused free speech. He may urge repeal, he may urge change, but defiance to law ought to bring shame if there be no way to punish.

Mr. President, we are not the only people in the world who are struggling with the prohibition question or with the liquor problem. They have it, for instance, now in Italy. Not many Americans agree with Mussolini as to his political philosophy or his methods, but we have to admit that he is getting results. Perhaps the particular environment amid which he works necessitates some methods and some principles with which we would not be in accord.

In surveying the situation in Italy, in trying to rehabilitate and reinvigorate the Italian people and to restore them to something of their ancient prestige, this marvelous man came up against the liquor problem and realized at once and without hesitation that it is one of the things with which Italy had to contend.

Upon a certain occasion in a public address he gave a number of figures and facts as to the deplorable condition in Italy, and stated unmistakably that the problem would have to be dealt with in a drastic way. He referred to the fact that the death rate through alcoholism was excessively high. He further referred to the fact that mortality and insanity and suicides due to the use of liquor were progressing at such a rate that the Italian people could no longer disregard the problem. Then he said:

From these figures you will perceive that the picture is black and tragic and merits our deep attention.

The first thing he did, which is a more simple process in Italy, was to close 25,000 saloons overnight by an imperial decree, if I may be permitted to use the word "imperial" in connection with Mussolini. He closed 25,000 saloons and gave assurance that that was the first step in ridding his country of this evil which was at war with the moral and economic life of the Italian people.

We are not the only people who are struggling with it. It is a world-wide problem working its devastation and its ruin in all countries, and the problem is, What are we to do with it? In England it is now one of the vital issues or problems. They discovered some time ago that in 1927 the liquor bill of England was \$1,506,000,000, and that the profits made out of those who drank it was \$120,000,000. England, with 1,500,000 unemployed, with her superhuman burden of taxation, struggling for her economic life, found that she was expending \$1,500,000,000 for liquor and paying somebody a profit of \$120,000,000.

England has tried in every way to deal with this problem except that of absolute prohibition, which is now being discussed. They undertook in the first place to close the saloons earlier in the day. They found that the saloons or the liquor

traffic paid no attention practically to the regulation. They then undertook to reduce the amount of alcoholic content. They found that that did not have the desired effect.

Then they went into a town of considerable size and purchased the entire liquor interests, purchased all the means and methods that they had of supplying it, and undertook to demonstrate in that way what they could do by Government ownership. What was the result? As usual, invariably the liquor traffic began to break down the little experiment in that town alone. They bootlegged liquor in every possible way, and that experiment, of course, has failed to demonstrate, therefore, what Government ownership could do under proper circumstances.

But it is the same old law, the same old rule. It does not make any difference what you do or how you try or how small your efforts may be, wherever the liquor traffic can fasten its fangs upon progress, progress dies.

Let us take one more illustration. Over in Canada they had prohibition in a number of Provinces; I have forgotten just how many. Then along came the moderates, those who said that "man has to have some liquor. Get rid of the bootlegger. Get rid of corruption. Get rid of destroying our young men and our young women. Therefore let us adopt Government control."

The argument in Canada was that by this method they would be rid of those things which my able friend thinks we can be rid of in this country, by going back to State rights. We will examine that in a few moments.

What happened under the Canadian liquor law? Let us go first to the official record. I have referred to this elsewhere. I have been accused of being misinformed. Mr. President, I am not misinformed. I was over in Canada last summer and the summer before. I am not misinformed.

The British Columbia Liquor Board reports:

Since the opening of the beer parlors the sale of "hard liquors" has increased 50 per cent. As much liquor is sold by bootleggers as is sold in the Government stores.

That is the way Canada got rid of the bootlegger. It does not make any difference, I repeat, what we do; the lawbreaker is there.

The Quebec Liquor Commission said:

Sale of hard spirits increased 32,275 gallons in one year. Drunkenness among women has increased 53 per cent.

These are official reports and not denied, except outside of Canada. The Saskatchewan Liquor Board said:

The sale of hard liquor increased 33 per cent in the last two years. Bootlegging increased in this Province 111 per cent in the first year.

The Alberta Liquor Board said that 60,000 permits were issued the first year; two years later, 144,000 permits. The greatest problem is moonshine bootlegging. Four million gallons of liquor were sold in the second year without control.

During the first four months of Government control the Ontario board said that 220,440 permits were issued and people were buying liquor at the rate of \$1,000,000 a week.

Mr. President, let us turn to a different source than the official record, and that is to the representatives of the church. I am not going to take members of some organization which has for its particular purposes the advocacy of prohibition or the liquor law, but call upon those who are interested from the standpoint of Christian ministers. Father Laverne, speaking of government ownership in his paper said:

With due respect to those at the head of our Government I must say that since they have become the advocates of beer and booze and have set the seal of the Government approval upon drinking, they have almost annihilated the work of the church through years of preaching temperance and sobriety.

An effort at true temperance!

Cardinal Begin said:

You know what a vigorous battle we have fought for the virtue of temperance in our diocese, our beloved coadjutor and the group of ecclesiastical and lay apostles who have aided him in his efforts. After about 15 years' work they had almost conquered the enemy, and we were overjoyed in foreseeing the end of the destruction caused by the excesses of alcohol. But alas, there is now spreading everywhere the intolerable abuse which we denounce, and in particular the surreptitious fabrication of an alcohol more harmful than any other to the health of the body and the soul.

Let us turn to the newspapers. They are a source of information. The Vancouver Sun said:

The people decided on a policy of restricting alcoholic consumption to the lowest possible degree. The government has made this piling up



of revenue the chief purpose of the act. Moderation does not moderate. Government control does not control. The British Columbia liquor system has actually failed.

Sir Hugh Macdonald, son of the famous John A. Macdonald, said:

There is just as much unlawful drinking under the government control act as there ever was under prohibition. The present law was in the very nature of things difficult of enforcement. It was far less difficult to secure convictions under prohibition than under government control.

The World, published at Vancouver, said:

Rum runners, gunmen, thugs, and all the parasites which thrive on the miasma of the underworld of the Pacific coast are fostered by the policy now in force. Calculations show that bootleggers in this Province handle as much liquor as the government stores.

Hon. H. H. Stevens, a public official, said:

Never in the history of this country was bootlegging comparable in magnitude and murderous results to what it is to-day.

Now, Mr. President, let us take a description of the liquor depot in Canada.

The Montreal warehouse of the Quebec Liquor Commission contains 9 acres of floor space and is full of vats, tuns, and hogsheds of alcoholic drinks from its topmost floor to the cold basement underground, where wines are kept. Two large rooms of this building are used for storing the seized wet goods and stills that are constantly being taken from Montreal bootleggers, smugglers, and proprietors of blind pigs.

There is not a problem involved in the situation in the United States that is not involved under the system of government control of liquor in Canada. They have the same bootlegger to contend with, the blind pig, the poisoning of liquor, and all the corrupting influences that we have in the United States.

Let me quote from another source. In the Montreal Star I find the following headlines:

Innocent girls lured into dens.

And again:

Dens of iniquity flourishing here must go.

These are places, so the report shows, where liquor is sold either legally or illegally.

Attorney General Craig recently said:

Seventy-five per cent of the troubles of law enforcement are now due to the illicit sale of beer and most of that is due to the brewers that furnish the supplies and abuse the privileges granted to them under the government liquor control act.

Rev. Father Coyle, of St. Mary's Cathedral at Kingston is quoted as saying:

It is appalling the extent to which drinking is indulged in by young men, even boys of 'teen age. The drinking habit has reached an unbelievable stage.

There is no end to the story. They are having the same fight under government control that we are having under prohibition, and that is, to restrain those who never propose to be restrained by any law.

I said in the beginning that this is not a fight of 10 days or 10 years. Neither, in my judgment, are the evils which accompany our effort peculiar to the method which we have employed. It does not make any difference how we shall undertake to deal with it—we shall have the same evils to contend with.

The Senator from Missouri, with his usual candor, said that he was in favor of going back to State rights; that he was in favor of giving this question over to the control of the States. Of course, Mr. President, that means the saloon. I do not believe the Senator from Missouri believes in the saloon; I do not believe anybody any longer believes in the saloon.

Let me digress long enough to say that while we have for many years been disposed to jeer at the temperance reformers, at those who are advocating prohibition, I think they have accomplished one thing: They have gotten rid of the saloon. I do not think anyone wants to go back to the saloon. That is one monument to those who were spoken of so long as cranks, as fanatics. They have convinced the American people that the saloon is intolerable; that it is a cancer upon the body politic; that it can not be tolerated; and no one, I presume, wants to go back to it. However, Mr. President, would the temperance reformers have ever closed the saloon by moral suasion? Good as they were, and noble as were their purposes, effective as they were in their appeal for needed reform, how long would it have taken the temperance reformer to have closed one saloon by moral suasion, by appeal to the moral law?

We had to invoke the law somewhere in order to incorporate and crystallize the effect of the work of these people for 75 years. The moral influence and the moral suasion and the preaching had their place, and let them never be abandoned; but there must be something more, and that is the law and the authority of the Government back of the law. That finally resulted in the destruction of the saloon, and, in my opinion, if we go back to the States we shall inevitably go back to the saloon in some of the States; when we go back to the saloon in some of the States the result will be that we will go in all the States.

Mr. President, I live in a State which was bone dry according to law before the eighteenth amendment was adopted, but there was no way by which the people of Idaho could protect themselves from those States which were not dry. The people who are now urging their belief in State rights—I am not speaking now of individuals, but of the liquor interests—in no sense respected the right of Idaho to be dry. They shipped their wet goods into the State over the border, established their saloons within 5 feet of the border, and supplied the State in a way that the State was powerless to prevent. State rights was then not so sacred in the eyes of the liquor interests as it is to-day.

It is true that the able Senator from Missouri secured the adoption here of an amendment to a bill which provided that when liquor was shipped into a State it became subject to the control of the laws of the State. By a majority of the Supreme Court that provision of the law was upheld, but the court also held that while one could not ship liquor into the State there was no power to prevent one from shipping it across the State, and we discovered that when the liquor started it never got across. It was impossible to enforce the law with all the States whose people were engaged in the liquor business undertaking to break it down.

Suppose we should let it go back to the States, and suppose the State of Missouri adopted the old system, how should we protect the border States? We should have to have spies; we should have to have policemen; we should have to have the militia to protect the four borders of the States if we expected the law not to be violated by those who intended to have liquor cross the State line. There is no more reason to believe that they will respect the borders of the State of Idaho than that they will respect the Constitution of the United States.

Mr. President, do what we will and try as we may, we have these evils to contend with. They are a part of any effort to undertake to control or deal with the liquor problem, and I had rather undertake to deal with it by the Government of the United States having to protect only the borders of the United States than having 48 States undertake to control four times 48 boundary lines.

The Senator from Missouri referred to the awful condition with reference to the use of narcotics. He is quite right; it is one of the most alarming situations with which we have to deal; but has not the man who wants a narcotic the right to have it? If we have no right to deny a man the right to have liquor, what right have we to deny him the right to take narcotics? One may be more dangerous than the other, but the question of individual liberty, of individual right, to my mind, is precisely the same. But we do deny it, and we deny it upon the theory that when an individual indulges in a practice which is harmful to the community or to those who are dependent upon him, it becomes a subject for the consideration of the public, and the public has the right to determine what the rule shall be.

I noticed the other day that the Prince of Wales, almost on the point of becoming the ruler of his Kingdom, though fortunately the exigency passed, concluded to go out and visit the poor of England. He was astounded at the condition which he found among his people; he was moved to pathos when he found 11 and 12 people, men, women, and children, boys and girls, huddled in one common room, sleeping together like so many swine, with all the finer things of life driven out. It shocked the Prince. I read in a newspaper that while he was on his visit there came home a father with 17 cents in his pocket. When asked where the other part of the 50 cents was which he had earned for the day, he stated that he had left it at the grog shop. Do you tell me, Mr. President, that Government has no duty and no power to protect the hungry children who were waiting for the 50 cents to supply the food for which their pallid lips were pleading? In a republic whatever the community determines is essential to the public welfare binds you and binds me during that time. If we do not believe in that rule, we do not believe in a democracy.

The Senator from Missouri was of the opinion that the use of narcotics had increased since prohibition. I can not dispute that; I have not examined the figures. I only know that in England, where there is no control of the liquor traffic, the use of narcotics is sweeping forward the same as it is in this

country. I only know that Canada has the same problem to deal with. I rather suspect that if the Senator will take into consideration population, the population of the United States of 120,000,000 and the population of England and the population of Canada, he will find that the increase in the use of narcotics in those countries has kept pace with that in the United States. At any rate, it is going forward in those countries at such a rapid pace that it is alarming to all the people who take concern of the public welfare.

What shall we do about the liquor traffic? Possibly we can not prevent it entirely; possibly we can not ever prevent the use of alcoholic drinks altogether, but shall we continue the effort or shall we surrender in the fight? So far as I am concerned, Mr. President, so long as it is written in the Constitution of the United States that the sale of intoxicating liquors is injurious to the public welfare, and that declaration embodies the policy of the people, I propose in every way that is reasonable and fair to undertake to maintain that Constitution. Let us all combine in that effort. The Senator from Missouri will never see the day, I will never see the day when the eighteenth amendment is out of the Constitution of the United States. In the meantime, using our influence, our moral leadership, and our public office as Senators and citizens, let us see to it that it is enforced in so far as it is possible for human ingenuity to enforce it. Let us maintain it and support it with the fervor and the devotion that we would support and maintain the sacred principles upon which all free governments rest.

Mr. HEFLIN. Mr. President, the Senate has listened to perhaps the ablest presentation of the side opposed to prohibition that it has listened to in a long time; and it has listened to perhaps the ablest speech, or one of the ablest, that has been delivered in this body presenting the side of the prohibition forces.

I am astounded at the position taken by some upon this question in the face of the recent election. This issue was plainly presented. The whisky forces and rum-running element were completely routed. The people had a fine opportunity to decide just what they would do. There was a candidate running who proposed to sustain the Constitution, and there was one running who intended to repeal the eighteenth amendment if he could, and who had already stricken down the law-enforcement agencies of New York State. That State had a law that supported the eighteenth amendment, and Governor Smith had it repealed. The issue was clearly cut and presented in this country last November.

What a great evangelist the Senator from Missouri [Mr. REED]—one of the ablest Senators who has been in this body in a long time—would have made. When he was describing how they used to go and single out the boy who was given to strong drink and pray over him and get him to take the pledge, how he reminded me of a great evangelist. But before he had gone very far the Senator said, "We have abandoned the Bible in this fight." That can not be true, Mr. President, because the Bible says:

Wine is a mocker, strong drink is raging, and whosoever is deceived thereby is not wise.

The Bible also says:

No drunkard shall inherit the kingdom of God.

So the people of the United States, in putting the eighteenth amendment in the Constitution, are following out the teachings of the Bible.

Mr. President, I recall the days of the barroom. I recall when the barroom element was in power politically. I recall when no man running for local office or high office of any kind could be elected without a tremendous struggle unless he had the support of the barroom element. I wonder if the Senator from Missouri and those who sympathize with him would like to go back and lodge political power in the hands of that element that controlled elections in the days gone by rather than to have this power lodged in the moral forces of the country, led by Christian ministers and by Christian men and women, fathers and mothers, who would protect their children from the ruin that the barrooms wrought?

The Senator tells us about mothers giving their daughters whisky, supplying them with whisky to take to parties. I must say, Mr. President, that the Senator's experience is different from mine. I do not know a single mother in Alabama who would arm her daughter with a flask of whisky when she is going to a party. I do not know a mother in my State who would give her whisky to drink unless it was used as medicine. There may be some mothers in this country who will do that, but, if so, they are very, very few.

Who can take the position that a man, if he wants whisky, is entitled to drink it to his heart's content? No longer than

six weeks ago in this city a man who had been drinking for two weeks locked the door of his home and killed his fine wife and children and then blew out his own brains. Did he have a right to do the thing that got him into that condition? Did he have a right to take whisky and drink it because he wanted to satisfy his thirst until he became crazed, so that he would murder his own companion and the mother of his children and then kill himself? That is personal liberty with a vengeance.

Mr. President, I recall an incident that Sam Jones used to tell about in the old barroom days. A man had rented some rooms above a barroom. He had a wife and two children, a boy of 17 and a daughter of 19. He went back home and told his wife that he had rented these rooms above the barroom. She looked at him and said, "John, have you lost your mind?"

He said, "No. I am going to have the pool room in connection with the barroom, and I will make a bushel of money." She said, "John, would you take me into a place like that to live above a barroom and a pool room?" He said, "Well, what of it?" "Would you take our daughter Mary, a 19-year-old girl, and our son John, and put us up there to live over that barroom that you might make money out of a pool room, that you might catch the drunks who had come in there to spend their money in riotous living and get part of it by their indulgences in the pool room? You surely have forgotten that when you married me you promised to love, cherish, and protect me; and now you want to take me and our son and daughter into a place like that! John, I am astounded!"

He said, "I have made the deal, and you are going." She said, "I am not going. I would not take my daughter into such a dive as that, and I would not take our boy. I will not do it." He said, "But you will; and I am making arrangements to move to-day." He went off, and when he came back she was gone. He thought he knew where she was. He went down and found her at her father's home with her daughter and her son. He told the old man that he had come after his wife and children. The father said, "But she does not want to go. The children do not want to go. You ought not to want her to go, and I am not going to let her go. She can have a home here with me." He said, "Then that ends the matter; I will go myself"; and he went; and in about six weeks they brought the news to her one night that he was killed in a drunken row in the barroom right under the place where he had provided for her and her son and daughter to live.

Mr. President, I have witnessed the evil effects of the barroom in my State. I told the Senate one day about the conditions in Birmingham—how the laboring men used to come in on Saturday night with their pay checks in their pockets, and how the barrooms got them, and how they got in the lockups, and how their wives and children waited and watched all night for father and husband to return with something to buy food for them. I told you about a parade in the city of Birmingham, where the wives and children of the laboring men paraded in a drive against the barrooms of that city, and how the people voted out the barroom, and how since that time stores have been built where the barrooms stood, and these men are providing well for their families. They are sober men; their wives and children are happy; they are owning their homes; they are educating their children. These are some of the fruits of prohibition. But we have a foreign element in this country, and more of it coming and being smuggled in every year, violating our law, mocking our statutes, and defying our courts; and they have determined to repeal the eighteenth amendment. The question is, Will the American idea prevail or will this European idea be set up in its stead?

Oh, it is a glorious thing for them to talk about returning to the "good old days." I remember a story I read about a great parade. The wholesale whisky dealers were up in front, driving six big iron-gray horses. The dealers had on their stovepipe hats and diamonds were flashing in their bosoms, and the horses were prancing down the street as their banners were flying. Following after them were the retail liquor dealers, the barroom men, driving four horses to each vehicle; and those men had their banners flying, and their high hats on, and back of them were a few on horseback—the whisky drummers—and they were prosperous-looking fellows. Then back of them were a miserable, motley herd, woe-begone, ill-kept human beings, called the consumers, without God and without hope in the world. And such as they were the products of the barroom in every community in those so-called "good old barroom days."

Go into the towns where the barrooms flourished and find what happened there. The barroom man owned more dwellings in that town than anybody else in it. How did he come to own them? The men who had fed their substance into these hell holes had spent their money and mortgaged their homes, and



the barroom man had gotten them; and then where was the wife, that bright, vivacious, charming girl who, in his better and brighter days, stood beside the man at the altar place when he promised her in the presence of God that he would love, cherish, and protect her? Where were the children with whom God had blessed their home? Gone—they all were gone. And out yonder under a little mound of earth in the cemetery the head of the family slept in a drunkard's grave; and she and her children struggling along as best they could, living on the charity of the community. This is the fruit of the damnable barroom business that some would have brought back to our country.

I do not know but that this is part of a well-laid plan and program to start a new drive for control of the Government in 1932. I think it is. I think we will have to meet these bold and brazen liquor forces again in 1932. They are not going to give up. They are making their millions. Of course no law can be enforced entirely. I have never admitted, Mr. President—and I do not admit now—that prohibition law enforcement is a farce. It is not. The law is fairly well enforced in my State. Of course it is not absolutely enforced. That is almost impossible anywhere.

We all know that it is difficult to strictly enforce any law. We do not enforce to the letter any law that is on the statute books, not one. They are being violated all the time. But because they are violated by a few people who set themselves up as persons who defy the law, that is no reason why the law should be repealed. We are not going back to the old barroom days. The American people are determined upon that question.

It is said that we deprive people of their drink. This Federal law does not deprive a man of whisky except for beverage purposes. The eighteenth amendment does not prevent one from getting a doctor's prescription. Liquor can be used as medicine. People can obtain it now where the States permit it. But they say because a few fellows go out and insist on guzzling up this "blind-tiger" stuff, fermented juice of some kind, the law must be repealed.

What is the difference? If a man wants to go to hell in a hurry, we may not be able to keep him from doing it. But we can at least remove the temptation from him. In my State I know men who used to drink whisky and thought they had to have it, and when the barrooms were put out they quit drinking it, and they have not touched it to this day. They said they were astounded that they could get along so well without it. They did not think they could and they were glad the barrooms were put out of their way.

So there are those who do like the prohibition law. As a result of it hundreds of thousands of boys are growing to manhood who never touch a drop. Hundreds of thousands of girls are growing to womanhood who never touch a drop. Unfortunately there are some who do; but the difference in that phase of the problem is this: In the old days, when they drank it and it destroyed them, they said, "You are responsible, because you licensed it. You permitted it to exist." Now if they destroy themselves they must say, "I am violating the law to do this hurtful thing and the thorns that I reap are of the tree that I have planted. They have torn me, and I bleed. I did it myself."

O Mr. President, the Senator from Missouri told us about how many distilleries were operating. A good many of them are no doubt operating, and they will be operating perhaps as long as time lasts; as long as some fellow yearns for fermented juice in his "innards" there will be somebody to make it.

Oh, yes; there was an old negro in my State who was being tried for running a still. The judge said, "Come around." Old Uncle Joshua walked around. The judge said, "What is your name?" He said, "My name is Joshua." "Ah," said the judge, "you are the man that made the sun stand still." The old negro said, "No, sah; I am the man that made the moon shine." [Laughter.]

They are doing that. Of course they will make the moon shine. They will resort to all sorts of things to get liquor, and some of them have been right smooth in their tactics. When whisky went out of New Orleans, one of the smoothest schemes I ever heard about was that of a bright Mississippian who went to New Orleans and got a truck load of liquor. He started back to Mississippi. The officers of the law were on the lookout for those who were transporting whisky into the State, so just before the truck got to the Mississippi line the men guarding it put a negro boy they had with them in handcuffs, they just handcuffed him; and one of them drove the truck and the other sat up by the negro with a pistol in his hand. When they drove up into the first town with all that load of liquor there were the officers of the law. They said, "Hello! What's this?" They said, "We've got him all right. We are taking him in."

The negro said, "I ain't done nothing." One of them said, "Well, you can tell that to the judge," and the officers let them pass on. When they got to where they were going they slipped the handcuffs off the negro boy and he helped put the whisky in the cellar, and these gentlemen went their way. They did that but once. The officers got on to it, and they caught the others who tried to do it.

Of course, there are ways of evading the law, and many of those opposed to it will get around the law. But conditions have improved vastly amongst the masses of the people all over this Nation. There are places where violation is very open and notorious. We probably will never be able to enforce the law there as it should be enforced.

Go follow the trail of this serpent. Back in the old days when the barrooms were in vogue, any man who decried the barroom traffic, who threatened to put it down, was marked by the barroom men for political slaughter. They went after him. That is not all. They controlled the police force, or a large portion of it, in every town where they existed. And that is not all. A policeman would not go into a barroom and interfere unless they sent for him. That shows what complete control they had in politics. A man could not be elected mayor of a town in many places unless the barroom interests were back of him.

What happened? Men and women fell down on their knees at night and prayed to God to give them strength to drive this evil out which was dragging to ruin their sons and the men who had married their daughters. God answered their prayers, and they drove this evil out. The people of the Union drove it out, and every now and then this rum-running interest springs up and demands a repeal of the eighteenth amendment and a repeal of the Volstead Act.

I say, as the Senator from Idaho said, that I do not know what is the best solution of this problem. I know that the situation has improved under the present plan; I do not care who says to the contrary. It has blessed people who needed to be blessed by it. The people who had their substance taken from them, and fed into these hell holes, the barrooms, are now getting that substance in their homes, and it is spreading itself out in fine, robust children, and in happy homes, and in peaceful, prosperous communities.

A sober people we have. Now the question is, Are we going to abandon a great moral position that has blessed and will continue to bless 115,000,000 people out of a hundred and twenty million people because about five million want it repealed?

Mr. President, I for one am not in favor of yielding to that sort of argument. I wish all of you could have heard a sermon that Billy Sunday preached about a man who passed up the road in his wagon. He was hauling logs. Billy said to him, "What are you doing there?" He said, "I am hauling logs to the sawmill." He said, "Good for you. That is fine. You are going to saw those logs into planks and scantlings, you are going to use those planks and scantlings to build homes for the people. Good for you. Pass on."

Another man came along who was hauling brick. He said, "What are you going to do with those brick?" He answered, "Build chimneys in the homes to be built with that lumber." Billy said, "Fine for you."

Another one was coming along hauling shingles. He said, "What are you going to do with those shingles?" He said, "Cover the homes of the people where the children of the Republic are to be reared." "Good for you."

Another one came along hauling hops and stuff to be made into liquor. He said, "What are you doing?" He said, "I am taking this over to a still where I am going to have it made into whisky." Then Billy Sunday said, "You miserable wretch. You are preparing to make the stuff that will destroy the happiness of the homes of this community. Pray God to forgive you and go feed it to the swine."

Mr. President, the Senator from Missouri has given a long array of figures here. He told about what had been done, what could be done, how whisky could be made, and I saw several old fellows up in the gallery whose mouths were watering when he was telling about how you could take a little bran and a little fermented stuff of various kinds and a kettle and make whisky. One old fellow back there in the gallery was listening with his pencil and book in hand, and another one tried to talk to him, and he said, "Do not talk to me; I want to get that recipe." [Laughter.]

Mr. President, we can not afford to legislate to satisfy the thirst of anybody. I thought, as the Senator from Missouri was describing that situation, of an old man in my State who went out to hear a prohibition sermon. He heard it, but he did not know he was going to hear it. The preacher happened to be preaching a prohibition sermon that day. Prohibition had just

gone into effect a little while before. The preacher took this text:

A dryness descended upon the earth and abode there.

He repeated it:

A dryness descended upon the earth and abode there.

Two or three old fellows groaned mournfully. Then the preacher said, "I recall, my brethren, when you used to be able to get it at the crossroads; you could get it in the villages and towns, and get it in the cities. I remember when they used to go by in droves after the vile stuff. They used to bring it back in jugs and kegs and bottles. I have known them," he said, "to get their neighbors up after midnight to swig that evil stuff. Wicked days of the liquor traffic. But those days have gone. There is dryness at the crossroads. There is dryness in the villages and towns and dryness in the cities." He said, "Oh, my brethren, what would you do in this blessed day of prohibition if some vile wretch should intrude himself in upon your veranda after midnight and knock on your door and you say, 'Who comes there?' and he should say, 'A friend with a bottle.' What would you say to the vile wretch now?" Old Uncle Johnnie sat back there until his mouth was watering and said, "By golly, I would tell him to advance with the cork out." [Laughter.] That is the way the Senator from Missouri had these old fellows sitting in the galleries feeling. They were ready for them to advance with the cork out.

Mr. President, it is better for our country to teach the boys who are coming on, who are to be the men who will control this country after a while, to be sober, to hate that stuff, to be afraid to drink moonshine whisky, to refuse to patronize the blind tiger and the bootlegger, preaching a crusade against it, rather than stand in the Senate and appeal to people who represent the moral forces of America to go back and surrender because a foreign element creeping into our country and undermining it as far as they can want rum sold again and the old barroom system restored. We are not going to do it. We are going to protect the homes of America, protect the young men and the young women of our country, remove from them every temptation we possibly can. That is the duty of the Senate, and that is the duty of American citizens to-day.

The PRESIDING OFFICER (Mr. McNARY in the chair). Under the unanimous-consent agreement after this hour, the hour of 4 o'clock, debate upon the bill is limited to 10 minutes, and debate is limited to 10 minutes upon any amendment proposed thereto.

Mr. JOHNSON. Mr. President, may I ask what is the pending amendment?

The PRESIDING OFFICER. The pending amendment is the amendment offered by the senior Senator from California [Mr. JOHNSON] to the first committee amendment.

Mr. JOHNSON. I thought that was so. I desire to withdraw the amendment. It is not proposed to be inserted at the appropriate place in the bill if it should be inserted at all.

The PRESIDING OFFICER. If there is no objection, the amendment will be withdrawn. The question now is on agreeing to the first committee amendment.

Mr. SHEPPARD. Mr. President, in the course of this debate prohibition has been pronounced a crime. Let us observe the practical effect of this so-called crime upon the United States. Roger W. Babson, one of the country's most prominent statisticians, one of its foremost students of economic affairs, says in a recent review of conditions in this Nation, a review which appeared in the Washington Post of December 30, 1928, that prohibition saves our country \$2,000,000,000 a year; that the great growth of business coming through the installment plan and other innovations has largely been caused by the improved credit of wage earners due to prohibition; that our people are unquestionably living longer and possessing better health because of it; that juvenile delinquency has decreased; that drug addiction is less; that real estate values have increased; that saving-banks deposits are greater in number; that insurance policies have multiplied; that these are only a few of the benefits of prohibition which impress themselves on the economist and student of business conditions. Another economic authority, Dr. Irving Fisher, has estimated the saving to the country through prohibition to be six billions a year.

Mr. President, when national prohibition came in 1920 there were about 10,000,000 savings accounts in the United States. Now there are a little more than 53,000,000.

When national prohibition came in 1920 the amount of savings in the banks was a little more than eleven and a half billion dollars. Now it is almost twenty-eight and a half billion.

In 1917, the last unrestricted wet year, a little more than \$213,000,000 in life insurance was issued.

Now the amount of new life insurance is more than seven times that much every month.

The total resources of building and loan associations in 1917 amounted to a little more than one and three-quarters of a billion dollars. Now they are in excess of seven billion.

If drinking were as universal as has been pictured in this debate and the earnings of the masses were being diverted as extensively as has been claimed this vast economic improvement would be impossible.

Let us examine the contention that enforcement is ineffective.

In the early years of national prohibition large amounts of whisky were obtained from Government warehouses by thefts, forged permits, and permits secured through various forms of fraud. This condition has virtually ceased.

In the first year of national prohibition probably 9,000,000 gallons of intoxicating liquor were withdrawn on account of the misuse of prescriptions. This amount has been reduced to a small portion of the total mentioned.

Proprietary medicines easily drinkable, alcoholic tonics, and other preparations, intended to serve as substitutes for intoxicating liquors prohibited by law, have been practically eliminated by a compulsory change of formulas or by refusal of permits for the alcohol necessary in the formation of these substitutes.

Large volumes of liquor were once diverted from shipments from British possessions through the United States to fictitious consignees. This has been stopped by a Supreme Court decision that such shipments could not be made.

Smuggling of liquor from nations across the seas has largely ceased. Vessels composing the ill-famed rum row have been dispersed and rum row is a thing of the past.

By virtue of new treaties with foreign nations our officers now have power to search suspected foreign vessels an hour's travel from our coasts. With this extended authority and an increased personnel the rum runners have been scattered and defeated. Their operations are more difficult, perilous, and on a smaller scale now than ever.

Smuggling across our northern and southern boundaries has been reduced through treaties with Canada and Mexico.

When warehouse supplies in this country and from other countries became unavailable, so far as the bulk of the illicit traffic was concerned, the bootleggers turned to industrial alcohol.

At one time they succeeded in securing 6,000,000 gallons in a single year—enough to make about 200,000,000 half pints of bootleg whisky. The Government chemists worked out new formulas for denaturants, making it far more difficult to redistill industrial alcohol into whisky. The control of industrial alcohol was transferred from the Internal Revenue Bureau to prohibition officials, who had better facilities for the investigation of applicants for alcohol permits. As a result the diversion of industrial alcohol into bootleg channels has been substantially lessened, and better results are steadily being secured by our enforcement officers.

It is true that the number of captured stills seems huge. But an outfit is called a still whether it produces 1 gallon, 5 gallons, 10 gallons, or a thousand gallons. I doubt whether the total annual output of these captured stills would equal the regular product of any one of a number of the larger distilleries operating before national prohibition went into effect.

The illicit stills of to-day are as a rule of small size, and are hidden in attics, cellars, caves, and woods. Many, probably most, of those seized either had not gotten into operation or had been in operation but a short while.

Recently I placed in the RECORD a statement showing that our enforcement officials are making creditable records, handicapped as they are by inadequate penalties for the larger offenses and offenders.

The Senator from Missouri [Mr. REED] complained in one breath of the number of arrests and convictions and of the number of people who have been placed in jails and penitentiaries under the prohibition laws and in another asserted that prohibition was not being enforced. He tells us at one time that intoxicating liquor is practically everywhere obtainable, and then states that on account of the shortage in supply of such liquor the consumption of narcotics is rapidly increasing. These statements can not be harmonized.

Evidently, Mr. President, when more stringent penalties are added and larger appropriations are accorded for the various phases of enforcement prohibition laws will make greater progress than ever before toward complete and satisfactory administration.

The American people will not permit a lawless minority or a piratical traffic permanently to defy the Constitution and to evade the law.

#### MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had agreed to



the amendment of the Senate to the bill (H. R. 9737) for the relief of Herman C. Davis.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 13251) to provide for the vocational rehabilitation of disabled residents of the District of Columbia, and for other purposes.

The message further announced that the House insisted upon the amendments of the House to the bill (S. 710) conferring jurisdiction of the Court of Claims to hear, adjudicate, and render judgment in claims which the northwestern bands of Shoshone Indians may have against the United States; agreed to the further conference requested by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. LEAVITT, Mr. SPROUL of Kansas, and Mr. EVANS of Montana were appointed managers on the part of the House at the further conference.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9961) to equalize the rank of officers in positions of great responsibility in the Army and Navy.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 13825) to authorize appropriations for construction at military posts, and for other purposes.

#### ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, and they were signed by the Vice President:

S. 200. An act for the relief of Mary L. Roebken and Esther M. Roebken;

S. 584. An act for the relief of Frederick D. Swank;

S. 1121. An act for the relief of Grover Ashley;

S. 2821. An act for the relief of Capt. Will H. Gordon;

H. R. 11064. An act for the relief of F. Stanley Millichamp;

H. R. 11469. An act to authorize appropriations for construction at the United States Military Academy, West Point, N. Y.;

H. R. 11510. An act for the relief of Montana State College;

H. R. 12449. An act to define the terms "child" and "children" as used in the acts of May 18, 1920, and June 10, 1922;

H. R. 12538. An act for the benefit of Morris Fox Cherry;

H. R. 12809. An act to permit the United States to be made a party defendant in a certain case;

H. R. 13882. An act to extend the benefits of the Hatch Act and the Smith-Lever Act to the Territory of Alaska;

H. R. 15732. An act making an additional grant of lands for a miners' hospital for disabled miners of the State of Utah, and for other purposes; and

S. J. Res. 182. Joint resolution for the relief of farmers in the storm and flood stricken areas of Virginia, North Carolina, South Carolina, Georgia, Florida, and Alabama.

#### QUARTERING OF TROOPS FOR THE INAUGURATION

The joint resolution (H. J. Res. 418) to provide for the quartering, in certain public buildings in the District of Columbia, of troops participating in the inaugural ceremonies was read twice by its title.

Mr. McNARY. I ask unanimous consent for the present consideration of the joint resolution.

Mr. BRUCE. I should like to know what time its consideration will take.

Mr. McNARY. It will not lead to debate.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole, and it was read, as follows:

*Resolved, etc., That the Director of Public Buildings and Public Parks of the National Capital is authorized to allocate such space in any public building under his care and supervision as he deems necessary for the purpose of quartering troops participating in the inaugural ceremonies to be held on March 4, 1929, but such use shall not continue after March 6, 1929. Authority granted by this resolution may be exercised notwithstanding the provisions of the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1903, approved April 28, 1902, prohibiting the use of public buildings in connection with inaugural ceremonies.*

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### LANDS AT THE BEAL NURSERY, EAST TAWAS, MICH.

Mr. McNARY submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10374) for the acquisition of lands for an addition to the Beal

Nursery at East Tawas, Mich., having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment as follows: In line 7 of the matter inserted by said amendment strike out "\$25,000" and insert "\$20,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill, and agree to the same.

CHAS. L. McNARY,

E. D. SMITH,

*Managers on the part of the Senate.*

G. N. HAUGEN,

FRED S. PURNELL,

J. B. ASWELL,

*Managers on the part of the House.*

The report was agreed to.

#### ENTRY OF CERTAIN ALIENS INTO THE UNITED STATES

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 5094) making it a felony with penalty for certain aliens to enter the United States of America under certain conditions in violation of law.

Mr. JOHNSON. I move that the Senate disagree to the amendments of the House, request a conference with the House on the disagreeing votes of the Houses, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the President pro tempore appointed Mr. JOHNSON, Mr. KEYES, Mr. REED of Pennsylvania, Mr. BLEASE, and Mr. KING conferees on the part of the Senate.

#### ARTHUR WALDENMEYER

The PRESIDING OFFICER (Mr. McNARY in the chair) laid before the Senate the amendment of the House of Representatives to the bill (S. 2439) to amend the military record of Arthur Waldenmeyer, which was, to amend the title so as to read "An act for the relief of Arthur Waldenmeyer."

Mr. SHORTRIDGE. I move that the Senate agree to the amendment suggested by the House.

The motion was agreed to.

#### INTERIOR DEPARTMENT APPROPRIATIONS

Mr. SMOOT. I submit a conference report on the Department of the Interior appropriation bill. It is not a complete agreement and merely proposes that the two amendments agreed to by the conferees be agreed to. The other amendment will remain in conference. The Senator from Montana [Mr. WALSH] is deeply interested in the items we have agreed upon.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 15089) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1930, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 20 and 40.

The committee of conference have not agreed on amendment numbered 39.

REED SMOOT,

HENRY W. KEYES,

WM. J. HARRIS,

*Managers on the part of the Senate.*

LOUIS C. CRAMTON,

EDWARD T. TAYLOR,

*Managers on the part of the House.*

The report was agreed to.

#### OHIO RIVER BRIDGES

Mr. BARKLEY. I ask unanimous consent for the present consideration of the bill (S. 5630) authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Ohio River at or near Carrollton, Ky.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read as follows:

*Be it enacted, etc., That the consent of Congress is hereby granted to the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge and approaches thereto across the Ohio River, at a point suitable to the interests of navigation, at or*

near Carrollton, Ky., in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. If tolls are charged for the use of such bridge, the rates of toll shall be so adjusted as to provide a fund sufficient to pay the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the cost of the bridge and its approaches, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the completion thereof. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the costs of the bridge and its approaches, the expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. BARKLEY. On page 2, line 10, after the word "charges," I move to strike out the comma and the word "but within a period of not to exceed 20 years from the completion thereof."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. BARKLEY. I also ask unanimous consent for the immediate consideration of the bill (H. R. 16279) to extend the times for commencing and completing the construction of a bridge across the Ohio River at Augusta, Ky.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

*Be it enacted, etc.,* That the times for commencing and completing the construction of the bridge across the Ohio River at Augusta, Ky., authorized to be built by J. C. Norris, as mayor of the city of Augusta, Ky., his successors and assigns, by the act of Congress approved April 20, 1928, are hereby extended one and three years, respectively, from April 20, 1929.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### APPOINTMENTS TO FEDERAL OFFICES

Mr. GEORGE submitted a resolution (S. Res. 330), which was read, considered by unanimous consent, and agreed to, as follows:

*Resolved,* That the authority conferred upon the Committee on Post Offices and Post Roads, or a subcommittee thereof to be appointed by the chairman, pursuant to Resolution No. 193, agreed to the 19th day of May, 1928, is hereby extended to the investigation of the circumstances surrounding the choice of any person appointed to Federal office if the committee or subcommittee deems such investigation advisable.

#### ALLEGHENY RIVER BRIDGE AT KITTANNING, PA.

Mr. REED of Pennsylvania. I ask unanimous consent for the present consideration of the bill (H. R. 15851) to extend the times for commencing and completing the construction of a bridge across the Allegheny River at Kittanning, in the county of Armstrong, in the State of Pennsylvania.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### RENT FOR UNITED STATES HOSPITAL AT MUSKOGEE, OKLA.

Mr. THOMAS of Oklahoma. By direction of the Committee on Finance I report back favorably without amendment the bill (H. R. 13199) authorizing the payment to the State of Oklahoma the sum of \$4,955.36 in settlement for rent for United States Veterans' Hospital No. 90, at Muskogee, Okla., and I submit a report (No. 1820) thereon. I ask unanimous consent for the present consideration of the bill.

The PRESIDENT pro tempore. The bill will be read for the information of the Senate.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the State of Oklahoma the

sum of \$4,955.36, out of any money appropriated for rent, maintenance, or support of hospitals, the same being in full settlement for rent of United States Veterans' Bureau Hospital No. 90, at Muskogee, Okla., from February 11, 1925, to April 30, 1925, being the date of passing of title to the Government of the United States for said hospital.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### AMENDMENT OF NATIONAL PROHIBITION ACT

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2901) to amend the national prohibition act, as amended and supplemented.

The PRESIDENT pro tempore. The question recurs on the amendment proposed to the bill by the Committee on the Judiciary.

Mr. GEORGE. Mr. President, I should like to ask the Senator from Washington [Mr. JONES] whether or not the bill proposes to abolish the punishment prescribed in the original act for first and second offenses? It seems to me, I may say to the Senator, that the bill is confusing as it stands.

Mr. JONES. Does the Senator also refer to section 2?

Mr. GEORGE. Yes. I see that section 2 merely provides that—

This act shall not repeal nor eliminate any minimum penalty now provided by the said national prohibition act.

Mr. JONES. That is a committee amendment, and I ask the Senator from Oregon [Mr. STEIWER] to explain it to the Senator from Georgia.

Mr. GEORGE. The national prohibition act provides, for instance, the penalty for a first offense. It reads:

Any person who manufactures or sells liquor in violation of this title shall for a first offense be fined not more than \$1,000 or imprisoned not exceeding six months, and for a second or subsequent offense shall be fined not less than \$200 nor more than \$2,000 and be imprisoned not less than one month nor more than five years.

This bill simply provides:

That wherever a penalty or penalties are prescribed in a criminal prosecution by the national prohibition act, as amended and supplemented, \* \* \* the penalty imposed for each such offense shall be a fine not to exceed \$10,000 or imprisonment not to exceed five years, or both.

That is the maximum penalty, of course. Then section 2 provides:

SEC. 2. This act shall not repeal nor eliminate any minimum penalty now provided by the said national prohibition act.

The minimum penalty is undoubtedly fixed for the first offense, but this language possibly might be construed to refer also to the minimum penalty for the second offense. That is not strictly a minimum penalty, because the minimum penalty is the penalty for the first offense. Therefore the courts would have great difficulty in construing this proposed act if it should pass as it stands.

Mr. STEIWER. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Oregon?

Mr. GEORGE. I yield, because I am trying to find out what the bill means.

The PRESIDENT pro tempore. None the less, the Senator from Georgia was recognized under the unanimous-consent agreement.

Mr. GEORGE. For 10 minutes?

The PRESIDENT pro tempore. For 10 minutes on the amendment and 10 minutes on the bill.

Mr. GEORGE. If the Chair will be so kind as to call my attention to the expiration of my first 10 minutes, I shall yield to the Senator from Oregon.

The PRESIDENT pro tempore. The Chair will do so.

Mr. STEIWER. Mr. President, I am slightly embarrassed because there was some confusion in the Chamber when the Senator from Georgia first began speaking, and I did not hear all that he said. I understand, however, that he was inquiring as to the purpose of the committee amendment to be found in section 2 on page 2 of the bill. That section provides:

This act shall not repeal nor eliminate any minimum penalty now provided by the said national prohibition act.

Mr. GEORGE. My question, Mr. President, I will state again for the benefit of the Senator from Oregon, is, Would not this proposed act repeal the penalty prescribed for a second offense?



Mr. STEIWER. I think if this bill should become a law it would repeal the additional penalties for the second offense, unless some saving language were incorporated in its provisions. The phrase "minimum penalty" might have been unwisely employed, but the committee meant by "minimum penalty" the minimum penalty provided in the case of subsequent offenses. It was thought by some that whatever the maximum penalty might be, in case of subsequent convictions there would be some value in preserving the present minimum penalties which are provided in the law.

I know of no authority that would justify the Senator from Georgia in the conclusion that the minimum penalty would be construed as meaning the penalty for a first offense merely because that penalty is less than that prescribed for a second offense. The minimum penalty in those cases where a range of penalties is provided is the penalty below which a judge can not go. It was upon that theory at least that the committee added the proposed amendment to section 2. Does that answer the question of the Senator from Georgia?

Mr. GEORGE. I desire to ask the Senator if his idea is that the penalties for first and second offenses are preserved in this bill? I understand that to be the case.

Mr. STEIWER. Yes; so far as the imposition of the minimum penalty is concerned; otherwise not.

Mr. GEORGE. Mr. President, I merely wish to say that it seems to me the courts can not give this act any other construction than that the distinction between first and second offenses is wiped out; that the minimum penalty is the penalty fixed for the first offense, and that the penalties may go up as high as \$10,000 fine or imprisonment for as long as five years, or both, in the discretion of the court. The court would not be able to enforce the punishment prescribed in the original act for the second offense. Of course, the court would have the power to fix the penalty anywhere between the minimum and the maximum provided by law, as amended, for any offender, but I think this bill would wipe out the penalty for the second offense. If it is the purpose to retain that distinction in the law it seems to me that section 2 ought to be amended so as to provide:

This act shall not repeal nor eliminate the minimum penalty now provided by said national prohibition act, nor effect or change the minimum penalty for second offenses.

Mr. NORRIS. Mr. President, I should like to have the Senator speak a little louder. We could not hear his last remark.

Mr. GEORGE. I was suggesting to the Senator from Washington that if it was desired by the proponents of the bill to retain the minimum fixed for a second offense, which penalty, of course, is greater than the minimum penalty for the first offense, it seems to me that section 2 of the act ought to be amended.

Mr. NORRIS. In what way?

Mr. GEORGE. I do not know that the Senator had in mind to make any distinction between first and second offenses.

Mr. JONES. I will say to the Senator that the second amendment is an amendment reported by the Judiciary Committee of which I am not a member, and so I am leaving it to members of that committee to answer the Senator's question.

Mr. GEORGE. I understand. Mr. President, I have no desire to discuss the pending measure. What I wanted was to ascertain what the authors of the bill had in mind; that is, whether they meant to retain the minimum punishment for a second offense and whether they also wished to distinguish between first and second offenses under the law as it is proposed to be amended.

Mr. JONES. I did not expect to distinguish between them.

Mr. NORRIS. Mr. President, if I understand the Senator—and I could not hear all he said—he fears that the adoption by the Senate of the amendment to section 2 would in effect wipe out the minimum penalty now provided by law in the case of second offenses.

Mr. GEORGE. Yes, sir. I think the section would do that as it stands. That is the thought I am bringing to the attention of the Senate.

Mr. NORRIS. The Senator has suggested that the section ought to be amended. I do not think that was the idea in reporting the amendment, and I myself do not see why it would do what the Senator suggests. It seems to me perfectly plain that section 2 does not eliminate the minimum penalty provided for a second offense in the law as it stands. I do not think that heretofore it occurred to anybody that it would do so. If it would do that, then it certainly does need amendment.

Mr. GEORGE. By reference to the first section of the bill it will be found that it provides—

That wherever a penalty or penalties are prescribed in a criminal prosecution by the national prohibition act, as amended and supple-

mented, for the illegal manufacture, sale, transportation, importation, or exportation of intoxicating liquor, as defined by section 1, Title II, of the national prohibition act, the penalty imposed for each such offense—

"For each offense"—not two different penalties for the same offense merely because one happens to be a first offense and the other a second offense.

Mr. NORRIS. But they are distinguished in the law as it stands now. For instance, section 29 provides:

SEC. 29. Any person who manufactures or sells liquor in violation of this title shall for a first offense be fined not more than \$1,000, or imprisoned not exceeding six months, and for a second or subsequent offense shall be fined not less than \$200.

It was not the idea, I think, in proposing this amendment that that \$200 fine, for instance, should be eliminated. If it is eliminated, of course section 2 ought to be amended; there is no doubt about that; I think the Senator from Georgia suggested an amendment. Will he state what it was?

Mr. GEORGE. I want the Senator from Nebraska to understand that what I asked was whether it was the purpose to eliminate the minimum penalty for a second offense?

Mr. NORRIS. Oh, no. At least I do not think that was the purpose.

Mr. GEORGE. Then I believe that the bill should be amended if it is the purpose to retain it.

Mr. NORRIS. We can either amend the committee amendment or disagree to it. My idea is that a first offense and a second offense each has a minimum penalty, and that by the addition of section 2 we will not interfere with it.

Mr. BRUCE. Mr. President, will the Senator from Georgia yield to me?

The PRESIDENT pro tempore. The Senator from Nebraska has the floor. Does he yield to the Senator from Maryland?

Mr. NORRIS. I yield.

Mr. BRUCE. Mr. President, it seems to me that it would be made clearer if we bear in mind the fact that section 2 completely obliterates all distinction between first and second offenses, and, of course, any amendment that follows must be harmonized with that fact.

Mr. NORRIS. I myself do not see any conflict between the two. Other Senators seem to think there is.

Mr. BRUCE. As I read the amendment of the committee, its effect is to wipe out all distinctions between first and second offenses; and therefore there is nothing but first offenses for the amendment to apply to.

Mr. GEORGE. Mr. President, I think that undoubtedly would be the construction given to the act by the court if we should pass it as it stands; and I therefore suggest this amendment in section 2, after the word "penalty," in line 2:

for the first or any subsequent offense—

So that that section would read:

This act shall not repeal nor eliminate any minimum penalty for the first or any subsequent offense now provided by the said national prohibition act.

Mr. WALSH of Montana. Mr. President—

Mr. NORRIS. I yield to the Senator from Montana.

Mr. WALSH of Montana. I should like to inquire of the Senator from Georgia whether he does not think the situation is entirely taken care of by the use of the word "minimum"?

This act shall not repeal nor eliminate any minimum penalty now provided by the said national prohibition act.

That is to say, the act provides a certain penalty, giving a minimum and a maximum penalty for a second offense. The maximum penalty in that provision may be affected by this amendment. There may be a heavier maximum penalty, but the minimum penalty provided for a second offense is not disturbed; so that the court would not be at liberty to fix a penalty of \$5 here if the penalty for a second offense is \$100. The minimum penalty for a second offense is left, but the maximum is increased. That was the idea the committee had in mind.

Mr. NORRIS. Mr. President, while I do not agree with the several Senators who have expressed the opinion that this amendment would obliterate all subsequent penalties for subsequent offenses, there is certainly no objection to the amendment suggested by the Senator from Georgia, and that undoubtedly will clarify it. Therefore I shall be glad, so far as I am concerned, to see that amendment agreed to. There seems to be a disagreement, and that will relieve the matter of any doubt.

Mr. GEORGE and Mr. STEIWER addressed the Chair.

The PRESIDENT pro tempore. To whom does the Senator from Nebraska yield?

Mr. GEORGE. I want to make just one brief statement, if the Senator will permit me.

Mr. STEIWER. Will the Senator yield for just one observation?

Mr. NORRIS. I have already yielded to the Senator from Georgia.

Mr. GEORGE. Mr. President, I think the whole matter is clear when we consider that the bill as originally drawn did not have in mind any distinction between first and second offenses. It undertook to do one thing, and one thing only, to wit, increase the maximum punishment for offenses under the national prohibition act. The preservation of minimum punishment was the thought of the committee. It came in as a committee amendment, and in my judgment that committee amendment does not preserve anything more than the minimum penalty fixed for a particular offense—that is, a particular crime. That is what is meant by the word "offense" here in the prohibition act.

Had this bill been passed as it went to the committee originally, it would have wiped out all minimum punishment—that is, the enumeration of a minimum punishment—and it would have simply increased the maximum punishment up to \$10,000 or imprisonment for five years.

Mr. NORRIS. I suggest that the Senator from Georgia offer his amendment to the committee amendment.

Mr. GEORGE. I did offer it.

Mr. NORRIS. Oh, that is the pending amendment?

The PRESIDENT pro tempore. The pending amendment is the amendment proposed by the committee found on page 1, in lines 3 and 4.

Mr. NORRIS. But the Senator from Georgia offers an amendment to that.

Mr. GEORGE. I move to amend that amendment by inserting in line 2, after the word—

Mr. NORRIS. Oh, I am mistaken.

Mr. JONES. Mr. President, let me make a suggestion.

The PRESIDENT pro tempore. The Chair understands the situation correctly. The amendment which the Senator from Georgia has in mind should be offered when we come to the amendment on page 2.

Mr. NORRIS. Yes; the Chair is right, without any doubt.

The PRESIDENT pro tempore. The question is upon agreeing to the amendment proposed by the committee on page 1, in lines 3 and 4.

Mr. BLEASE. Mr. President, I ask that the clerk read a short article in my time.

The PRESIDENT pro tempore. The Senator from South Carolina being recognized, the clerk will read, as requested.

The Chief Clerk read as follows:

#### WHY ENFORCEMENT FAILS

By Horace C. Carlisle

Prohibition is a failure—

Its enforcement is a joke—

Just because its own supporters

Will not wear its galling yoke;

And since Congress fears the issue,

Which is easier shunned than met,

In both Houses, they continue

"Voting dry and drinking wet."

How we need a Patrick Henry

With the nerve to introduce,

Unreserved, a resolution—

With no loopholes for excuse—

Forcing every drinking Member

To explain, on oath, the fact

Of his every violation

Of the famous Volstead Act!

With one hand upon the Bible,

And the other lifted toward

God for mercy, whom his actions

Have apparently ignored,

He should publicly be questioned,

And compelled to show just cause

For his criminal evasion

Of the prohibition laws.

Prohibition can't prohibit

'Till the House and Senate both

Rid themselves of every Member

That now violates his oath

For the sake of drinking liquor,

Or to gratify his friends,

On whom his return to Congress

Most distressingly depends,

Congress can't enforce enforcement

When she sees with her own eyes

That this Volstead prohibition

Is an evil in disguise;

For she knows that if enforcement

Should, impartially, prevail

There are "drys" in both the Houses

Who'd be serving time in jail.

If it only had been Volstead,

And not Jesus, the Divine,

Those six jars of water never

Would have been made into wine

When the wedding guests at Cana

Had exhausted their supply—

Unless he had sneaked off somewhere

And distilled it on the sly.

If the antiliquor leaguers—

By their arid Volstead stirred—

Rather than the inspired writers,

Had devised the Sacred Word,

There would be no admonition

For a man, infirm, to take

Just a little wine at bedtime

For his craving stomach's sake.

Prohibition—as it's practiced—

Ought to fully satisfy

Every man in either faction,

Be he wet or be he dry;

For the drys have prohibition—

Heaven's answer to their prayer—

And the wets still have their liquor

In abundance everywhere.

If the Congress of the country

Is afraid to draw the line

'Twixt her weak-kneed dry teetotalers

And her "drys" who drink their wine,

Then the dry eighteenth amendment,

Weakened by the Volstead Act—

Folly's most expensive failure—

Is a joke and not a fact.

Mr. BARKLEY. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. BARKLEY. Was that piece of cheap doggerel intended to pass as poetry?

The PRESIDENT pro tempore. The Chair is unable to answer the inquiry.

Mr. BLEASE. I do not know whether it is poetry or not, but I know it is God Almighty's truth. [Laughter.]

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the committee on page 1, lines 3 and 4.

Mr. STEIWER. Mr. President, I think there is no controversy concerning this matter; but possibly I should observe, for the benefit of those who may be interested, that the committee thought it well to put in the proposed amendment in lines 3 and 4 by reason of the fact that in the law now there are certain similar quasi-civil penalties based chiefly upon violations of injunctions and matters growing out of the nuisance features prescribed by the act. I think no one on the committee was desirous of disturbing those penalties; and the language found in lines 3 and 4 was inserted merely for the purpose of excluding those penalties from the operation of the present bill.

Mr. BRUCE. Mr. President, the hour is late, and I hope the Senate will adjourn without any further discussion. It is nearly 5 o'clock now.

Mr. JONES. I hope that we may finish the bill to-night.

Mr. BRUCE. It will be impossible.

Mr. JONES. It ought not to be. It ought not to take very long. I shall ask the Senate to stay in session until half past 5, anyway.

Mr. BRUCE. It will be impossible to finish the bill to-night, because there are a great many amendments to it; and of course, each Senator has a right to 10 minutes on the bill and 10 minutes on any amendment.

Mr. President, I was indeed astonished to hear the Senator from Idaho [Mr. BORAH] contrast, as he did, the drink conditions which existed in the State of Idaho before the adoption of the eighteenth amendment with the drink conditions which now prevail in that State. A year or so ago I had occasion to call attention to the extent to which drunkenness and violations of the Volstead Act obtained in the State of Idaho.



The facts which I then mentioned were derived from an editorial in the New York Times. I said:

That, in proportion to population, prohibition agents had seized eight times as many distilleries in the State of Idaho as in the State of New York; twenty-seven times as many stills, one hundred times as many still worms, and eight times as many fermenters, and five times as much mash; had, strange to say, seized twice as many boats in Idaho as in New York; and had arrested more than twice as many offenders for violations of the Volstead Act; and that, in proportion to population, arrests for drunkenness in Pocatello, Idaho, had been ten times as numerous as in the city of New York, and in Twin Falls, Idaho, nearly five times as numerous. It was not until I read these figures that I fully understood why "nullification" sits so heavily upon the indignant breast of the senior Senator from Idaho [Mr. BORAH]. Surely the West can not be such a land of Arcadian purity and temperance as it is fondly imagined to be when Pocatello is tortured with a thirst ten times as exacting as that which distresses such a scarlet woman as the city of New York; and the Snake River and similar insignificant streams in the State of Idaho are the scenes of more nautical confiscations than the waters of the Atlantic Ocean which lave the mighty docks and piers of the city of New York.

In other words, it was the same old story; whenever any Member of this body has flourished in my face a brief in behalf of prohibition I have never had the slightest difficulty in showing, by incontestable facts, that the same scandals and abuses arising out of the practical workings of prohibition which existed in other States existed in his State, too.

The trouble about the Senator from Idaho, if I may say so without disrespect, is that he has not lived up to what he said in the beginning of his speech to-day. He declared that he would be willing to give his assent to the repeal or the modification of the eighteenth amendment, or the Volstead Act, at any time when evidence was brought to his attention that there was a better method of dealing with the drink problem than prohibition. The fact is that I have been a Member of the Senate for some six years, and in all that time the senior Senator from Idaho has been saying substantially that same thing. Yet, notwithstanding the fact that propositions have been repeatedly brought forward in this body looking to some salutary modification of the eighteenth amendment, or the Volstead Act, never once has the Senator from Idaho been induced to cast even a glance of passing condescension at any one of them.

The suggestion has been made that the Volstead Act might be modified so as to provide the people of the United States with the use of a mild nonintoxicating beer, a suggestion which met with the unqualified approval of no less a person than Gen. Lincoln C. Andrews, who was, in my opinion, most justly termed yesterday by the Senator from Missouri the best man who has ever headed the Prohibition Department of the Government. General Andrews thought that such a beverage would be of decided aid to prohibition enforcement, but, so far as I know, the Senator from Idaho never even gave a thought to this belief.

Two or three years ago I introduced a proposed amendment to the Federal Constitution into the Senate which was in harmony in every respect with what is the prevailing trend of drink reform throughout the world, but, so far as I know, neither did that amendment receive any serious notice from the Senator.

I might enlarge upon what I have just said by further stating that my proposition looking to the modification of the eighteenth amendment was based upon conclusions to which almost every country in the world that has ever tried the experiment of prohibition and abandoned it has been brought by the remorseless necessities of its experience.

My proposed amendment provided for the adoption by the Congress of the United States of what is known as the Quebec system of liquor control—and right here I take issue with the Senator from Idaho when he states that Government supervision of the liquor traffic in the Dominion of Canada has proved a failure. I am not surprised, when such conditions have prevailed in his own State as those that I depicted a few moments ago, that the Senator should have gone up to Canada, a land of comparative temperance, last summer and the summer before. I must say that the Senator would gratify my curiosity, as well as the curiosity of other Members of the Senate, if he would tell us what motive took him to Canada. [Laughter.] His reputation for sobriety is so well established that I am loath to think that his motive was quite the same as that which might have prompted some wicked, reprobate Member of the Senate like myself to go to Canada during the dog days, when a mild, refreshing glass of wine or beer proves so acceptable.

The PRESIDING OFFICER (Mr. McNARY in the chair). The time of the Senator on the amendment has expired. He now has 10 minutes on the bill.

Mr. BRUCE. The facts with regard to Quebec—and I speak by the book, because for a good many years now I have read most of the annual reports that have emanated from the Quebec Liquor Commission—are that during the first four years, to say nothing of later years, during which the Quebec system of liquor control was in force, arrests for drunkenness in the city of Montreal were reduced about one-half. What is a far more important thing, there was evidence besides of a steady substitution of the use of wine and malt liquors for the use of spirituous liquors.

Very recently testimony to this last social change has been borne by the Montreal Gazette. I am referring now to the Montreal Gazette of Saturday, February 2. In an editorial the newspaper, speaking of a report of the Quebec Liquor Commission which had just been given to the public, said:

No moderate-minded individual would contest the conclusions which are to be drawn from the annual report of the operations of the Quebec Liquor Commission.

I call the attention of the Senate specifically to this:

A retrospect of the past four years shows that whilst sales of wines have increased in that period 100 per cent, the sales of ardent liquors have advanced by only 25 per cent.

What more complete answer could be made than this to the excessive use of hard liquor which the Senator from Idaho sought to bring home to the Dominion of Canada?

So far as the increased output of liquor in that Dominion is concerned, that might readily be attributed to the fact that, in addition to the domestic demand for liquor in Canada itself, there is an enormous foreign demand on the part of the people of the United States. In a recent report Mrs. Willebrandt, Assistant Attorney General of the United States, tells us that in the last three years clearances of liquor from Canada to this country have increased 75 per cent, to say nothing of clandestine exports. It is calculated that every year now 200,000 tourists leave the United States for Canada, and there is every reason to believe that the great majority of these tourists go there for the purpose of gratifying a perfectly natural and legitimate human instinct, which we would all be free to gratify in this country to-day without any impediment but for the madness which produced the adoption of the eighteenth amendment.

Nothing could be more inconsistent than the facts which the Senator from Idaho brought forward with reference to England. First of all, he called attention to the fact that criminality in England is far below the level of criminality in this country, yet in the same breath he spoke of the terrible abuses in the matter of drink which exist in England.

All I have to say is that if English liquor has that sort of repressive effect upon crime, we might very well entertain the feeling about it that Abraham Lincoln entertained about the kind of liquor that Ulysses S. Grant drank. It will be recollected that when somebody complained that General Grant drank too much whisky Lincoln expressed the hope that some of his other less fortunate generals might quaff some of the same kind of whisky. So I say that if this excessive drinking in England to which the Senator referred has the effect of bringing murders in London, for instance, down to only a few murders a year, compared with the frightful prevalence of murder in this country, the sooner we abandon prohibition and begin to drink a little English stuff the better, decidedly, it will be for us.

Some one inquired about the authorship of the pending bill and the Senator from Washington [Mr. JONES] said that he understood that it was drafted by the Department of Justice. No matter by whom it was drafted it was sponsored by the Anti-Saloon League, and that fact, of course, is shown by the communication which has in the last two or three days been addressed to us by Bishop Cannon, Mrs. Boole, and others, asking us to pass it. I hold that paper in my hand. Here we have the signature of Bishop Cannon, the papal head of the southern hillbilly hierarchy. Here, too, is the signature of Mrs. Ella Boole, the head of that organization the Woman's Christian Temperance Union, which did such noble work in behalf of temperance until it turned its back upon temperance and gave its support to what is the mortal antithesis of temperance; that is to say, prohibition.

And here, too, is the signature of Bishop Clarence True Wilson, who so far forgot the example of charity set him by our Lord when He said to the erring woman, "Go and sin no more," as to express his approval of the barbarous Michigan court, which said to that poor creature guilty of four petty violations of the Volstead Act, "Enter the dark portals of the penitentiary and never issue from them except as a lifeless corpse."

So here they are, these leaders of the Anti-Saloon League, not hectoring and bullying us as they sought to hector and bully the President of the United States two years ago and to hector and bully the Secretary of the Treasury only a few weeks ago, but asking us, in language of conventional politeness, to give our support to the pending bill. They use that sort of language with us because they know from experience how docile and subservient we are, and are confident that no matter to what extreme measures they may be driven in dealing with the President of the United States or with the Secretary of the Treasury, the Senate bill is always ready to hold out its nose submissively to the Anti-Saloon League ring.

So the real sponsor of the bill is not the Senator from Washington or the Senator from Idaho [Mr. BORAH] or any other Senator here, but the Anti-Saloon League.

In my remarks last Saturday I addressed my attention particularly to the special features of the pending bill rather than to the general merits and demerits of prohibition. I am the only Member of the Senate so far, with the exception of the distinguished Senator from Georgia [Mr. GEORGE] who has done that. I pointed out that first of all—

The PRESIDING OFFICER. The time of the Senator from Maryland has expired.

Mr. BRUCE. I shall reserve what I have to say until the next amendment is before the Senate.

The PRESIDING OFFICER. The question is on agreeing to the first committee amendment.

Mr. SHORTRIDGE. Mr. President, may we have the amendment stated?

The CHIEF CLERK. On page 1, line 3, after the word "prescribed," insert the words "in a criminal prosecution," so as to read:

That wherever a penalty or penalties are prescribed in a criminal prosecution by the national prohibition act, as amended and supplemented, for the illegal manufacture, sale, transportation, importation, or exportation of intoxicating liquor, as defined by section 1, Title II, of the national prohibition act, the penalty imposed for each such offense shall be a fine not to exceed \$10,000 or imprisonment not to exceed five years, or both.

The amendment was agreed to.

Mr. JONES. Mr. President, I desire to offer an amendment at this time.

The PRESIDING OFFICER. The amendment will be stated.

Mr. JONES. The amendment may be pending then.

Mr. GEORGE. Mr. President, will not the Senator permit me to offer an amendment at this time?

Mr. JONES. The amendment proposed by me will not affect the other committee amendments. When I have it read it may be considered as the pending amendment.

The PRESIDING OFFICER. The clerk will read the proposed amendment for the information of the Senate.

The CHIEF CLERK. At the end of section 1 add the following proviso:

*Provided*, That it is the intent of Congress that the court, in imposing sentence hereunder, should discriminate between casual or slight violations and so-called regular bootlegging or attempts to commercialize violations of the law.

Mr. BRUCE. Mr. President, under the rational rules governing this body I will continue my speech.

Mr. JONES. Mr. President, I would suggest to the Senator that we may have an executive session now, and the Senate can proceed to-morrow.

Mr. BRUCE. I thank the Senator. That will be agreeable to me.

Mr. JONES. I ask unanimous consent that when the Senate concludes its business to-day it take a recess until 12 o'clock noon to-morrow.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

#### EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 15 minutes spent in executive session the doors were reopened.

#### DEATH OF REPRESENTATIVE EDWARD J. KING, OF ILLINOIS

Mr. DENEEN. Mr. President, I send to the desk resolutions and ask unanimous consent for their immediate consideration.

The VICE PRESIDENT. The resolutions will be read.

The Chief Clerk read the resolutions (S. Res. 331), which were considered by unanimous consent and unanimously agreed to, as follows:

*Resolved*, That the Senate has heard with profound sorrow the announcement of the death of Hon. EDWARD J. KING, late a Representative from the State of Illinois.

*Resolved*, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

*Resolved*, That as a further mark of respect to the memory of the deceased the Senate do now recess until 12 o'clock to-morrow.

#### RECESS

Under the last resolution the Senate (at 5 o'clock and 25 minutes p. m.) took a recess until to-morrow, Tuesday, February 19, 1929, at 12 o'clock meridian.

#### CONCILIATION WITH HUNGARY

In executive session this day the following treaty was ratified and, on motion of Mr. BORAH, the injunction of secrecy was removed therefrom:

*To the Senate:*

To the end that I may receive the advice and consent of the Senate to its ratification, I transmit herewith a treaty of conciliation between the United States and Hungary, signed at Washington on January 26, 1929.

CALVIN COOLIDGE.

THE WHITE HOUSE, January 29, 1929.

The PRESIDENT:

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice and consent of that body to ratification, if his judgment approve thereof, a treaty of conciliation between the United States and Hungary, signed at Washington on January 26, 1929.

Respectfully submitted.

FRANK B. KELLOGG.

DEPARTMENT OF STATE.

Washington, January 29, 1929.

The President of the United States of America and His Serene Highness the Regent of the Kingdom of Hungary, being desirous to strengthen the bonds of amity that bind them together and also to advance the cause of general peace, have resolved to enter into a treaty for that purpose, and to that end have appointed as their plenipotentiaries:

The President of the United States of America: Mr. Frank B. Kellogg, Secretary of State of the United States of America; and

His Serene Highness the Regent of the Kingdom of Hungary: Count László Széchenyi, Envoy Extraordinary and Minister Plenipotentiary to the United States of America:

Who, after having communicated to each other their respective full powers, found to be in proper form, have agreed upon the following articles:

#### ARTICLE I

Any disputes arising between the Government of the United States of America and the Government of Hungary, of whatever nature they may be, shall, when ordinary diplomatic proceedings have failed and the High Contracting Parties do not have recourse to adjudication by a competent tribunal, be submitted for investigation and report to a permanent International Commission constituted in the manner prescribed in the next succeeding Article; and they agree not to declare war or begin hostilities during such investigation and before the report is submitted.

#### ARTICLE II

The International Commission shall be composed of five members, to be appointed as follows: One member shall be chosen from each country, by the Government thereof; one member shall be chosen by each Government from some third country; the fifth member shall be chosen by common agreement between the two Governments, it being understood that he shall not be a citizen of either country. The expenses of the Commission shall be paid by the two Governments in equal proportions.

The International Commission shall be appointed within six months after the exchange of ratifications of this treaty; and vacancies shall be filled according to the manner of the original appointment.

#### ARTICLE III

In case the High Contracting Parties shall have failed to adjust a dispute by diplomatic methods, and they do not have recourse to adjudication by a competent tribunal, they shall at once refer it to the International Commission for investigation



and report. The International Commission may, however, spontaneously by unanimous agreement offer its services to that effect, and in such case it shall notify both Governments and request their cooperation in the investigation.

The High Contracting Parties agree to furnish the Permanent International Commission with all the means and facilities required for its investigation and report.

The report of the Commission shall be completed within one year after the date on which it shall declare its investigation to have begun, unless the High Contracting Parties shall limit or extend the time by mutual agreement. The report shall be prepared in triplicate; one copy shall be presented to each Government, and the third retained by the Commission for its files.

The High Contracting Parties reserve the right to act independently on the subject matter of the dispute after the report of the Commission shall have been submitted.

#### ARTICLE IV

The present treaty shall be ratified by the President of the United States of America by and with the advice and consent of the Senate thereof, and by Hungary in accordance with its constitutional laws.

The ratifications shall be exchanged at Washington as soon as possible, and the treaty shall take effect on the date of the exchange of the ratifications. It shall thereafter remain in force continuously unless and until terminated by one year's written notice given by either High Contracting Party to the other.

In faith thereof the respective Plenipotentiaries have signed this treaty in duplicate in the English and Hungarian languages, both texts having equal force, and hereunto affix their seals.

Done at Washington the 26th day of January in the year of our Lord one thousand nine hundred and twenty-nine.

FRANK B. KELLOGG [SEAL]  
SZÉCHÉNYI [SEAL]

#### ARBITRATION WITH HUNGARY

In executive session this day the following treaty was ratified and, on motion of Mr. BORAH, the injunction of secrecy was removed therefrom:

*To the Senate:*

To the end that I may receive the advice and consent of the Senate to its ratification, I transmit herewith a treaty of arbitration between the United States and Hungary, signed at Washington on January 26, 1929.

CALVIN COOLIDGE.

THE WHITE HOUSE, January 29, 1929.

*The President:*

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice and consent of that body to ratification, if his judgment approve thereof, a treaty of arbitration between the United States and Hungary, signed at Washington on January 26, 1929.

Respectfully submitted.

FRANK B. KELLOGG.

DEPARTMENT OF STATE,

Washington, January 29, 1929.

The President of the United States of America and His Serene Highness the Regent of the Kingdom of Hungary

Determined to prevent so far as in their power lies any interruption in the peaceful relations now happily existing between the two nations;

Desirous of reaffirming their adherence to the policy of submitting to impartial decision all justiciable controversies that may arise between them; and

Eager by their example not only to demonstrate their condemnation of war as an instrument of national policy in their mutual relations, but also to hasten the time when the perfection of international arrangements for the pacific settlement of international disputes shall have eliminated forever the possibility of war among any of the Powers of the world;

Have decided to conclude a new treaty of arbitration enlarging the scope and obligations of the arbitration convention which was signed at Washington, January 15, 1909, but is not now in force, and for that purpose they have appointed as their respective Plenipotentiaries;

The President of the United States of America: Mr. Frank B. Kellogg, Secretary of State of the United States of America; and

His Serene Highness the Regent of the Kingdom of Hungary: Count László Széchenyi, Envoy Extraordinary and Minister Plenipotentiary of Hungary to the United States of America;

Who, having communicated to each other their full powers found in good and due form, have agreed upon the following articles:

#### ARTICLE I

All differences relating to international matters in which the High Contracting Parties are concerned by virtue of a claim of right made by one against the other under treaty or otherwise, which it has not been possible to adjust by diplomacy, which have not been adjusted as a result of reference to an appropriate commission of conciliation, and which are justiciable in their nature by reason of being susceptible of decision by the application of the principles of law or equity, shall be submitted to the Permanent Court of Arbitration established at The Hague by the Convention of October 18, 1907, or to some other competent tribunal, as shall be decided in each case by special agreement, which special agreement shall provide for the organization of such tribunal if necessary, define its powers, state the question or questions at issue, and settle the terms of reference.

The special agreement in each case shall be made on the part of the United States of America by the President of the United States of America by and with the advice and consent of the Senate thereof, and on the part of Hungary in accordance with its constitutional laws.

#### ARTICLE II

The provisions of this treaty shall not be invoked in respect of any dispute the subject matter of which

(a) is within the domestic jurisdiction of either of the High Contracting Parties,

(b) involves the interests of third Parties,

(c) depends upon or involves the maintenance of the traditional attitude of the United States concerning American questions, commonly described as the Monroe Doctrine,

(d) depends upon or involves the observance of the obligations of Hungary in accordance with the Covenant of the League of Nations.

#### ARTICLE III

The present treaty shall be ratified by the President of the United States of America by and with the advice and consent of the Senate thereof, and by Hungary in accordance with its constitutional laws.

The ratifications shall be exchanged at Washington as soon as possible, and the treaty shall take effect on the date of the exchange of the ratifications. It shall thereafter remain in force continuously unless and until terminated by one year's written notice given by either High Contracting Party to the other.

In faith whereof the respective Plenipotentiaries have signed this treaty in duplicate in the English and Hungarian languages, both texts having equal force, and hereunto affixed their seals.

Done at Washington the 26th day of January in the year of our Lord one thousand nine hundred and twenty-nine.

FRANK B. KELLOGG [SEAL]  
SZÉCHÉNYI [SEAL]

#### NOMINATIONS

*Executive nominations received by the Senate February 18 (legislative day of February 15), 1929*

IN THE UNITED STATES COAST GUARD

*To be chief boatswain (L), to take effect from date of oath*

Boatswain Alfred Rimer.  
Boatswain Berger Benson.  
Boatswain Martinus P. Jensen.  
Boatswain Frank E. Allison.  
Boatswain Sigval B. Johnson.  
Boatswain John E. Tourgee.  
Boatswain Lloyd T. Doughty.  
Boatswain Edward Shambaugh.  
Boatswain Ward W. Bennett.  
Boatswain Irwin B. Steele.  
Boatswain Leslie Moore.  
Boatswain Robert W. Hodge.  
Boatswain Mitchell Hamilton.  
Boatswain Stephen F. McInnis.  
Boatswain William J. McCaw.

The above-named officers have passed the examinations required for the promotions for which they are recommended.

## UNITED STATES ATTORNEYS

Richard H. Templeton, of New York, to be United States attorney, western district of New York. (A reappointment, his term having expired.)

William L. Vandeventer, of Missouri, to be United States attorney, western district of Missouri, vice Roscoe C. Patterson, resigned.

## PROMOTIONS IN THE NAVY

Lieut. (Junior Grade) Arthur A. Clarkson to be a lieutenant in the Navy from the 1st day of November, 1928.

Lieut. (Junior Grade) Frank R. Walker to be a lieutenant in the Navy from the 1st day of December, 1928.

Ensign John G. Brown to be a lieutenant (junior grade) in the Navy from the 4th day of June, 1928.

The following-named dental surgeons to be dental surgeons in the Navy, with the rank of commander, from the 21st day of January, 1929:

William L. Darnall.

Franklin L. Morey.

Logan A. Willard.

John V. McAlpin.

John R. Barber.

Edward E. Harris.

George H. Reed.

Assistant Naval Constructor Noah W. Gokey to be a naval constructor in the Navy, with the rank of lieutenant, from the 3d day of August, 1928, to correct an error in spelling of name as previously nominated and confirmed.

## POSTMASTERS

## ALABAMA

John T. Haertel to be postmaster at Citronelle, Ala., in place of J. T. Haertel. Incumbent's commission expired January 27, 1929.

John R. Fowler to be postmaster at Fayette, Ala., in place of P. W. Caraway, resigned.

## CALIFORNIA

Wallace P. Rouse to be postmaster at Thermal, Calif., in place of W. P. Rouse. Incumbent's commission expires February 26, 1929.

## COLORADO

William B. Edwards to be postmaster at Erie, Colo., in place of W. B. Edwards. Incumbent's commission expires February 27, 1929.

Cornelia Coleman to be postmaster at La Veta, Colo., in place of J. H. Kincaid, removed.

## CONNECTICUT

Philip K. Dewire to be postmaster at New London, Conn., in place of W. M. Slocum, deceased.

## ILLINOIS

William A. Lafont to be postmaster at Dowell, Ill., in place of W. D. Garriss, resigned.

George F. Harnew to be postmaster at Oaklawn, Ill., in place of Ray Ryan, removed.

## KANSAS

Alice B. Stark to be postmaster at Bonner Springs, Kans., in place of J. A. Stark, deceased.

Edna Gordon to be postmaster at Dwight, Kans., in place of E. A. Boyd, removed.

## MARYLAND

Shadrach G. Sparks to be postmaster at Sparks, Md., in place of S. G. Sparks. Incumbent's commission expires February 27, 1929.

## MASSACHUSETTS

Richard B. Eisold to be postmaster at Ludlow, Mass., in place of R. B. Eisold. Incumbent's commission expires February 27, 1929.

## MICHIGAN

James F. Jackson to be postmaster at Mohawk, Mich., in place of W. E. Smith, resigned.

## MONTANA

Ernest M. Hutchinson to be postmaster at Whitefish, Mont., in place of E. M. Hutchinson. Incumbent's commission expires February 27, 1929.

## NEBRASKA

Ernest J. Kaltenborn to be postmaster at Waco, Nebr., in place of E. J. Kaltenborn. Incumbent's commission expires February 27, 1929.

## NEVADA

James W. Johnson to be postmaster at Fallon, Nev., in place of J. W. Johnson. Incumbent's commission expired January 14, 1929.

## NEW JERSEY

Harvey E. Harris to be postmaster at Bloomfield, N. J., in place of H. E. Harris. Incumbent's commission expires February 27, 1929.

## NEW YORK

Ernest E. Fuller to be postmaster at Copake, N. Y. Office became presidential July 1, 1928.

Agnes Siems to be postmaster at Wantagh, N. Y., in place of Agnes Siems. Incumbent's commission expired December 19, 1928.

## NORTH CAROLINA

Jesse L. Riggs to be postmaster at Bayboro, N. C., in place of J. L. Riggs. Incumbent's commission expires February 24, 1929.

Van D. Duncan to be postmaster at Clayton, N. C., in place of A. R. Duncan, deceased.

## NORTH DAKOTA

Harry A. Hart to be postmaster at Ray, N. Dak., in place of H. A. Hart. Incumbent's commission expires February 27, 1929.

Carrie E. Kempshall to be postmaster at Taylor, N. Dak., in place of C. E. Kempshall. Incumbent's commission expires February 27, 1929.

Katherine Ritchie to be postmaster at Valley City, N. Dak., in place of Katherine Ritchie. Incumbent's commission expires February 27, 1929.

## OHIO

Katharine M. Crafts to be postmaster at Mantua, Ohio, in place of R. M. Wheeler, resigned.

Ethel Brown to be postmaster at Mount Blanchard, Ohio, in place of Ethel Brown. Incumbent's commission expired December 10, 1928.

Earl T. Ewing to be postmaster at Wellsville, Ohio, in place of J. F. McQueen, deceased.

## PENNSYLVANIA

Chester P. McCoy to be postmaster at Elmora, Pa., in place of Paul Jones, resigned.

V. Ralph Miller to be postmaster at New Oxford, Pa., in place of V. R. Miller. Incumbent's commission expired January 8, 1928.

Reese Jeremiah to be postmaster at Shamokin, Pa., in place of J. I. Steel, deceased.

Charles B. Lessig to be postmaster at Upper Darby, Pa., in place of R. S. Medary, removed.

## SOUTH DAKOTA

Thomas A. Krikac to be postmaster at Dupree, S. Dak., in place of T. A. Krikac. Incumbent's commission expires February 27, 1929.

Emmett O. Frescoln to be postmaster at Winner, S. Dak., in place of E. O. Frescoln. Incumbent's commission expires February 27, 1929.

## VERMONT

Glenn E. Martin to be postmaster at South Shaftsbury, Vt., in place of Irwin Mattison. Incumbent's commission expired December 11, 1928.

## VIRGINIA

Robert N. Goodloe to be postmaster at Afton, Va., in place of R. N. Goodloe. Incumbent's commission expires February 24, 1929.

Margaret H. Hardy to be postmaster at McKenney, Va., in place of M. H. Hardy. Incumbent's commission expires February 24, 1929.

John H. Tyler to be postmaster at Upperville, Va., in place of J. H. Tyler. Incumbent's commission expires February 24, 1929.

Mary O. Pumphrey to be postmaster at West Point, Va., in place of M. O. Pumphrey. Incumbent's commission expires February 24, 1929.

## WEST VIRGINIA

Millard M. Mason to be postmaster at Seth, W. Va., in place of M. M. Mason. Incumbent's commission expired February 6, 1929.

Fred E. Cowl to be postmaster at Wheeling, W. Va., in place of A. E. Marschner. Incumbent's commission expired January 8, 1929.

## WISCONSIN

Fred Hennig to be postmaster at Bowler, Wis., in place of Fred Hennig. Incumbent's commission expired January 27, 1929.

Thomas D. Smith to be postmaster at Fairchild, Wis., in place of T. D. Smith. Incumbent's commission expires February 27, 1929.



William F. Pflueger to be postmaster at Manitowoc, Wis., in place of W. F. Pflueger. Incumbent's commission expires February 27, 1929.

Lynn L. Merrill to be postmaster at Princeton, Wis., in place of L. L. Merrill. Incumbent's commission expires February 26, 1929.

#### CONFIRMATIONS

*Executive nominations confirmed by the Senate February 18 (legislative day of February 15), 1929*

##### ASSOCIATE JUDGE OF COURT OF CUSTOMS APPEALS

Finis J. Garrett to be associate judge of the United States Court of Customs Appeals.

##### UNITED STATES ATTORNEYS

Samuel W. McNabb to be United States attorney, southern district of California.

John G. Gung'l to be United States attorney, district of Arizona.

John Buckley to be United States attorney, district of Connecticut.

##### IN THE ARMY

##### GENERAL OFFICERS

##### To be major general

Frank Parker.

##### To be brigadier general

Charles DuVal Roberts.

##### APPOINTMENT

##### To be second lieutenants, Air Corps

John Clayton Berry  
Robert Edward Lee Pirtle.  
Wilbur Erickson.  
Lilburn Dimmitt Fator.  
Archibald Meyer Kelley.  
Ralph Orville Brownfield.  
Joel Edward Mallory.  
Lindsay Mansfield Bawse.  
Donald Russell Lyon.  
Warren Herbert Higgins.  
Stanley Keith Robinson.  
Willard Reno Shephard.  
George Washington Hansen.  
Minton William Kaye.  
Aubrey Lee Moore.  
Ronald Roosevelt Walker.  
Lloyd Harrison Tull.  
Francis Marion Ziegler.  
Joel George Pitts.  
Carl Frederick Theisen.  
Frederic Ernst Glantzberg.  
Eugene Herbert Rice.  
Leland Samuel Stranathan.  
Ernest Keeling Warburton.  
LeRoy Hudson.

Roland Ogden Strand Akre.  
Paul Ellis Shanahan.  
Julius Augustus Barr.  
Roger Vincent Williams.  
Andrew Fred Solter.  
Donald Edwin Broughton.  
Frederick Archibald Pillet.  
William Hugh McArthur.  
Reginald Heber.  
Homer LeRoy Sanders.  
Draper Frew Henry.  
Robert Dilger Johnston.  
Walter Robertson Agee.  
Charles Harold Earnest.  
Hansford Wesley Pennington.  
Guy Frost Hix.  
Donald Wells Buckman.  
John Arlin Winefordner.  
Murray Clarke Woodbury.  
Norman Herbert Ives.  
Paul Bernard Wurtzsmith.  
Joseph Battersby Duckworth.  
William Alexander Robert  
Robertson.

##### APPOINTMENT BY TRANSFER

##### To be captain, Signal Corps

Louis Simmons Stickney.

##### To be captain, Chemical Warfare Service

George James Burns Fisher.

##### APPOINTMENT BY PROMOTION

##### To be colonel, Field Artillery

Upton Birnie, jr.

##### To be lieutenant colonels, Corps of Engineers

De Witt Clinton Jones.  
Francis Bowditch Wilby.

##### POSTMASTERS

##### INDIANA

George H. Griffith, Fremont.  
Roy R. Berlin, Nappanee.  
Elmer S. Applegate, Paragon.  
Orville E. Steward, Rossville.

##### NEBRASKA

Etta H. Bartlett, Potter.

##### PENNSYLVANIA

Luther W. Gehrig, Milton.

##### SOUTH CAROLINA

James M. Byrd, Branchville.  
Annie H. Goblet, Mount Pleasant.  
Herbert O. Jones, Salley.  
Paul G. Barnett, Westminster.

#### HOUSE OF REPRESENTATIVES

MONDAY, February 18, 1929

The House met at 12 o'clock and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Father of mercies, give wisdom this day to our assembly of public servants, with its full significance and magnitude. We now wait in silence because of the stricken colleague, who was faithful to the ideals of public and private life. Be Thou in yonder chamber; press the cup of consolation to the anguishing lips that can not tell their sorrow. From the shadows of death let come the morning's glow of hope and promise. Tenderly bestow Thy grace to bear, Thy Spirit to bless, and Thy power to heal. Oh, what we learn in suffering may we teach in song. We thank Thee that we have our immortality chastened in the heavenly purity and beauty of Him who is the Lord of life and death. Merciful Father, for us stay the tide of years a little longer, and then at sunset let our frail barks sink to a sea of endless day. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of Saturday, February 16, 1929, was read and approved.

##### MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate agrees to the amendments of the House to the bill (S. 3269) entitled "An act providing for the advancement on the retired list of the Army of Hunter Liggett and Robert L. Bullard, major generals, United States Army, retired," with amendments; insist on its amendments to the amendments of the House to said bill, requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. REED of Pennsylvania, Mr. GREENE, and Mr. FLETCHER to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 675. An act to establish the Ouachita national park in the State of Arkansas; and

S. 5664. An act to extend the times for the commencing and completing the construction of a bridge across the Missouri River between Council Bluffs, Iowa, and Omaha, Nebr.

##### VOCATIONAL REHABILITATION, DISTRICT OF COLUMBIA

Mr. REED of New York. Mr. Speaker, by direction of the Committee on Education I call up the bill H. R. 13251, with Senate amendments, and move to concur in the Senate amendments.

The SPEAKER. The gentleman from New York asks unanimous consent to call up the bill H. R. 13251, with a Senate amendment and concur in the Senate amendment. The Clerk will report the bill with the Senate amendment.

The Clerk read as follows:

A bill (H. R. 13251) to provide for the vocational rehabilitation of disabled residents of the District of Columbia, and for other purposes.

The Senate amendment was read.

The SPEAKER. Is there objection?

Mr. EDWARDS. Reserving the right to object, Mr. Speaker, has this bill reference to the District of Columbia?

Mr. REED of New York. Yes. The States have passed similar legislation. This is to correct the injustice.

Mr. EDWARDS. I do not think it is good policy to leave the District of Columbia out of the general bill. I shall not object.

The SPEAKER. Is there objection?

There was no objection.

The Senate amendment was concurred in.

##### EQUALIZATION OF THE RANK OF OFFICERS IN THE ARMY AND NAVY

Mr. MORIN. Mr. Speaker, I call up the conference report on the bill (H. R. 9961) to equalize the rank of officers in positions of great responsibility in the Army and Navy and move its adoption.

The SPEAKER. The gentleman from Pennsylvania calls up the conference report on the bill H. R. 9961, which the Clerk will report.

The conference report was read.

The conference report and statement are as follows:

#### CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9961) to equalize the rank of officers in positions of great responsibility in the Army and Navy having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate, and agree to the same with an amendment as follows: Instead of the language of the amendment of the Senate insert the following: "appointment as such and shall both take rank above all other officers on the active list of the Army and Navy: *Provided*, That nothing in this act shall have the effect of changing the relative rank of the present Chief of Staff and the present Chief of Naval Operations," and agree to the same.

JOHN M. MORIN,  
W. FRANK JAMES,  
JOHN J. MCSWAIN,

*Managers on the part of the House.*

DAVID A. REED,  
FRANK L. GREENE,  
DUNCAN U. FLETCHER,

*Managers on the part of the Senate.*

#### STATEMENT

The amendment as agreed to by the conferees provides that relative rank of the Chief of Staff and the Chief of Naval Operations shall be determined by the dates of their commission in their higher temporary grades rather than by the dates of their appointments as Chief of Staff or Chief of Naval Operations as was provided in the bill as it passed the House. It also provides that the Chief of Staff and the Chief of Naval Operations shall both be senior to any other officers on the active list of the Army or Navy. The final proviso merely preserves the existing relationship between the present Chief of Staff and the present Chief of Naval Operations.

JOHN M. MORIN,  
W. FRANK JAMES,  
JOHN J. MCSWAIN,

*Managers on the part of the House.*

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

#### CONSTRUCTION AT MILITARY POSTS

Mr. MORIN. Mr. Speaker, I call up the conference report on the bill (H. R. 13825) to authorize appropriations for construction at military posts, and for other purposes, and ask its adoption.

The SPEAKER. The gentleman from Pennsylvania calls up the conference report on the bill H. R. 13825, which the Clerk will report.

The conference report was read.

The conference report and statement are as follows:

#### CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13825) to authorize appropriations for construction at military posts, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment as follows: In lieu of the matter to be inserted by the Senate amendment insert the following:

"That there is hereby authorized to be appropriated not to exceed \$17,185,610, to be expended for the construction and installation at military posts of such buildings and utilities and appurtenances thereto as may be necessary, as follows:

"Albrook Field, Canal Zone: Dispensary, \$30,000.

"Corundu, Canal Zone: Barracks, \$357,500.

"France Field, Canal Zone: Barracks, \$360,000; noncommissioned officers' quarters, \$324,000; officers' quarters, \$427,200; dispensary, \$30,000.

"Schofield Barracks, Hawaiian Department: Noncommissioned officers' quarters, \$100,000; officers' quarters, \$300,000.

"Wheeler Field, Hawaiian Department: Noncommissioned officers' quarters, \$111,600; officers' quarters, \$150,000; dispensary, \$40,000.

"Porto Rico: Barracks, \$144,000; noncommissioned officers' quarters, \$119,000; officers' quarters, \$396,250; nurses' quarters, \$36,000; headquarters building, \$20,000; chapel, \$20,000; recreation hall, \$10,000; storehouse, \$15,000; garage and repair shop, \$40,000; stables, \$40,000; hay and forage shed, \$3,000; wagon shed, \$6,000; incinerator, \$5,000; flagstaff, \$500; hospital, \$10,000.

"Henry Barracks, Porto Rico: Barracks, \$352,000; noncommissioned officers' quarters, \$39,600; officers' quarters, \$192,500; hospital, \$35,000; stables, \$24,000; hay and forage shed, \$3,000; wagon shed, \$4,000; guardhouse, \$10,000; post exchange, \$10,000; chapel, \$20,000; headquarters building, \$15,000; recreation hall, \$10,000; storehouse, \$15,000; maintenance building, \$7,500; fire house, \$7,500; bakery, \$12,000.

"Philippine Department: Signal depot warehouse, \$49,000.

"Camp Devens, Mass.: Noncommissioned officers' quarters, \$36,000; officers' quarters, \$164,000."

"*Provided*, That so much of the act entitled 'An act to authorize appropriations for construction at military posts, and for other purposes,' approved February 25, 1927 (44 Stat. 1235), as authorizes an appropriation of \$300,000 for hospital, Camp Devens, Mass., be, and the same is hereby, amended so as to authorize at Camp Devens, Mass., the construction and installation of buildings and utilities and appurtenances thereto as follows:

"Hospital, toward completion, \$35,000; for officers' quarters, \$180,600; for noncommissioned officers' quarters, \$14,400; for bakery, \$15,000; for fire house, \$10,000; and for stables, \$45,000; in all, \$300,000: *Provided*, That there is hereby authorized to be made available for the purposes of this act \$300,000 of the amount contained in the first deficiency act, fiscal year 1928, approved December 22, 1927, for military posts."

"Fort Jay, N. Y.: Hospital, \$400,000: *Provided*, That no new construction shall be built on that part of Governors Island west of a line running in a northwest and southeasterly direction across the island and paralleling the eastern face of the regimental barracks building at a distance of 300 feet.

"Mitchel Field, N. Y.: Noncommissioned officers' quarters, \$216,000; officers' quarters, \$660,000; hospital, \$150,000.

"Fort Monmouth, N. J.: Noncommissioned officers' quarters, \$100,000; officers' quarters, \$250,000.

"Plattsburg Barracks, N. Y.: Barracks, \$45,000; addition to hospital, \$55,000.

"Raritan Arsenal, N. J.: Noncommissioned officers' quarters, \$42,000; hospital, \$50,000.

"Fort Slocum, N. Y.: Barracks, \$180,000.

"Fort Wadsworth, N. Y.: Barracks, \$50,000; noncommissioned officers' quarters, \$30,000.

"Aberdeen Proving Ground, Md.: Hospital, \$60,000.

"Carlisle Barracks, Pa.: Mess hall and kitchen, \$110,000.

"Fort Humphreys, Va.: Noncommissioned officers' quarters, \$274,000.

"Langley Field, Va.: Barracks, \$764,160; noncommissioned officers' quarters, \$216,000; officers' quarters, \$480,000; hospital, \$175,000; construction of a sea wall and for necessary fill, \$200,000.

"Fort Leonard Wood, which shall hereafter be known as Fort George G. Meade, Md.: Noncommissioned officers' quarters, \$50,000; nurses' quarters, \$40,000; officers' quarters, \$210,000.

"Fort Monroe, Va.: Officers' quarters, \$200,000.

"Fort Benning, Ga.: Noncommissioned officers' quarters, \$526,000; officers' quarters, \$114,000; dispensary, \$60,000.

"Fort Bragg, N. C.: Noncommissioned officers' quarters, \$144,000; nurses' quarters, \$60,000; officers' quarters, \$496,000; hospital, \$100,000.

"Maxwell Field, Ala.: Officers' quarters, \$300,000; barracks, \$178,000; noncommissioned officers' quarters, \$188,150; quartermaster warehouse, \$45,000; quartermaster maintenance building, \$15,000; garage, \$40,000; fire station, \$15,000; guardhouse, \$20,000; post exchange, \$25,000; ordnance magazine, \$15,000; hospital, \$75,000; stables, \$20,000; railroad spur, \$5,000; telephone and telegraph system, \$31,250.

"Camp McClellan, Ala.: Hospital, \$100,000.

"Fort Benjamin Harrison, Ind.: Noncommissioned officers' quarters, \$54,000; service club, \$50,000.

"Erie Ordnance Depot, Ohio: Hospital, \$75,000.

"Selfridge Field, Mich.: Officers' quarters, \$465,000; construction of a sea wall, and for necessary fill, \$230,400.

"Fort Leavenworth, Kans.: Hospital ward, \$75,000.

"Marshall Field, Kans.: Barracks, \$125,000; noncommissioned officers' quarters, \$144,000; officers' quarters, \$300,000.

"Fort Riley, Kans.: Noncommissioned officers' quarters, \$150,000; nurses' quarters, \$50,000.

"Fort Snelling, Minn.: Officers' quarters, \$54,500.

"Camp Normoyle, Tex.: Barracks, \$180,000.



"Fort Sam Houston, Tex.: Noncommissioned officers' quarters, \$150,000; officers' quarters, \$250,000.

"Randolph Field, San Antonio, Tex.: Noncommissioned officers' quarters, \$61,200; officers' quarters, \$600,000; completion of hospital, \$50,000.

"Fort D. A. Russell, Wyo.: Officers' quarters, \$56,000; noncommissioned officers' quarters, \$56,000; barracks, \$40,000.

"Letterman General Hospital, California: Hospital ward, \$150,000.

"Camp Lewis, Wash.: Noncommissioned officers' quarters, \$93,000; officers' quarters, \$215,000.

"March Field, Calif.: Noncommissioned officers' quarters, \$100,800; hospital, \$150,000.

"Rockwell Field, Calif.: Noncommissioned officers' quarters, \$108,000; officers' quarters, \$150,000.

"Army Medical Center, District of Columbia: Completion of Army Medical School, \$840,000; addition to power plant, \$50,000.

"Walter Reed General Hospital, District of Columbia: Nurses' quarters, \$300,000; chapel, \$12,000, to be erected as supplementary to or in connection with the nonsectarian chapel, the erection of which was authorized by the act approved February 2, 1928; observation, tuberculosis, and infectious disease wards and a laboratory and morgue, and the reconstruction of the third floor of the main building into an operating room, and for the necessary corridors, roads, walks, grading, utilities, and appurtenances thereto, \$90,000.

"Bolling Field, D. C., or a point on a military reservation in the vicinity of the District of Columbia, to be selected by the Secretary of War: Radio and communication center, \$30,000.

"Sec. 2. That the Secretary of War is hereby authorized and empowered to acquire by purchase or condemnation real estate adjacent to Bolling Field, Washington, D. C., for extension and development of said flying field; and there is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, a sum not to exceed \$666,000 for that purpose.

"Sec. 3. That there is hereby authorized to be appropriated not to exceed \$5,552,842, to be expended for the construction and installation at military posts and at airports and landing fields of such technical buildings and utilities and appurtenances thereto as may be necessary, as follows:

"Panama Canal Department, Albrook Field: Paved runways, \$51,000.

"France Field: Gas and oil storage system, \$10,000; paint, oil, and dope warehouse and appurtenances to hangar, \$13,016; paved runway from hangars, \$52,000; 6-inch gasoline pipe line from Coco Solo, \$20,000; bombing range, \$3,555.

"Hawaiian Department, new site: Improvement to landing field, \$623,000.

"Hawaiian Department, air bases, \$22,000.

"Wheeler Field: Hangars and field shop, \$79,000.

"Boston Airport, East Boston, Mass., moving and erecting technical buildings, \$15,000.

"Mitchel Field, Long Island, N. Y.: Hangars, field shops, field warehouse, \$141,000; armament and parachute buildings, \$5,000; central heating plants, \$75,000.

"Middletown Air Depot, Pennsylvania: Replacing roofs upon warehouses, \$6,600; tiling walls and replacing floors and platforms in warehouses, \$16,015; hard-surfaced apron in front of hangars, \$17,376; supply office and stock room, \$5,607; ceiling four bays in engineering shop building, \$4,402: *Provided*, That the \$38,500 heretofore appropriated for concrete floors in warehouse at Middletown Air Depot (Public, No. 181, 70th Cong.) is hereby canceled.

"Bolling Field, D. C.: Hangars, \$90,000; field shop, \$60,000; central heating plants, \$50,000; parachute and armament building, \$15,000; photographic building, \$36,000; radio building, \$10,000; paved runways and aprons, \$53,700.

"Langley Field, Va.: Hangars, \$524,590; field warehouse, \$100,000; headquarters and operations building, \$80,000; photo, radio, parachute, and armament buildings, \$76,000; central heating plants, \$160,000; gas and oil storage system, \$10,000; paint, oil, and dope warehouse, \$5,000; improvement of landing field, \$85,000; paved runways, \$122,098.

"Air Corps Tactical School, Maxwell Field, Montgomery, Ala.: Hangars, \$210,500; field shop, \$19,000; field warehouse, \$60,000; armament and parachute building, \$5,000; paved runways, \$50,000; gas and oil storage system, \$5,000; school building, \$100,000.

"Shreveport, La. (attack wing): Hangars, \$200,000; field shop, \$50,000; field warehouse, \$45,000; headquarters and operations buildings, \$85,000; radio, parachute, and armament buildings, \$25,000; gas and oil storage system, \$10,000; improvement to landing field, \$135,000: *Provided*, That the Secretary of War

is hereby authorized, when directed by the President, to accept in behalf of the United States, free from encumbrances and without cost to the United States, the title in fee simple to such land as he may deem necessary or desirable, in the vicinity of Shreveport, La., approximately 25,000 acres, more or less, as a site for an aviation field.

"Bowman Field, Louisville, Ky.: Hangar, \$50,000; radio, photographic, and shops, \$20,000; operations and administration building, \$20,000; gas and oil storage system, \$5,000; paved runways, \$13,000.

"Fairfield Air Depot, Fairfield, Ohio: Hangars, \$120,000; headquarters building, \$40,000; central heating plant, \$20,000; paint, oil, and dope warehouses, \$20,000.

"Chicago Municipal Airport, Chicago, Ill.: Completion of Army Air Corps hangar, \$20,986.

"Selfridge Field, Mich.: Hangars and field shop, \$122,000; central heating plants, \$60,000; paved runways, \$51,000; improvement of landing field, \$125,000.

"Fort Leavenworth, Kans.: Completion of hangar, field shop, headquarters building, \$35,000; central heating plants, \$20,000.

"Marshall Field, Fort Riley, Kans.: Completion of hangars, shops, and technical buildings, \$55,000; central heating plant, \$30,000.

"Fort Crockett, Tex.: Night flying lighting system, \$3,775; runways, \$10,775: *Provided*, That the \$10,775 heretofore appropriated for dope and paint house and lean-to for boiler room at Fort Crockett (Public, No. 181, 70th Cong.) is hereby canceled.

"Dryden, Tex.: Gasoline and oil storage system, \$2,821; operations building, \$5,000.

"Duncan Field, San Antonio, Tex.: Hangars and depot shop building, \$220,000; oil reclamation house, \$13,000: *Provided*, That the \$5,497 heretofore appropriated for instrument, engine repair and cleaning building at the San Antonio Air Depot (Public, No. 181, 70th Cong.) is hereby canceled.

"Lordsburg, N. Mex.: Operations building, \$5,000; gas and oil storage system, \$2,821.

"Randolph Field, Tex.: Hangars, \$220,000; field shops, \$38,000; paved runways, \$232,500.

"Tucson, Ariz.: Operations building, \$5,000; paved floor in hangar, \$1,705.

"Yuma, Ariz.: Operations building, \$5,000.

"March Field, Riverside, Calif.: Hangars, field shops, field warehouse, \$75,000; gasoline and oil storage system, \$10,000; paved runways, \$104,000: *Provided*, That the \$50,000 heretofore appropriated for radio and school building at March Field (Public, No. 181, 70th Cong.) is hereby canceled.

"Rockwell Field, Calif.: Hangars and field warehouse, \$45,000; field shop, \$100,000; construction of paved runways, \$50,000.

"Sec. 4. That the Secretary of War be, and he is hereby, authorized to transfer to the Petersburg National Military Park such portion of the Camp Lee Military Reservation, Va., as in his discretion may be required in connection with the establishment of the Petersburg National Military Park, as authorized by the act of Congress approved July 3, 1926.

"Sec. 5. That the Secretary of War be, and he is hereby, authorized, in his discretion, to sell, upon such terms and conditions as he considers advisable, to the Fishers Island Corporation, or its nominee, a tract of land containing 1½ acres, more or less, said tract now forming the extreme northeasterly corner of the Fort H. G. Wright Military Reservation, situate on Fishers Island, in the State of New York, which said tract is no longer needed for military purposes, and to execute and deliver in the name of the United States and in its behalf, with and to the said Fishers Island Corporation, or its nominee, any and all contracts, conveyances, or other instruments necessary to effectuate such sale, the proceeds of the sale of the property hereinbefore designated to be deposited in the Treasury to the credit of the fund known as the military post construction fund: *Provided*, That the Secretary of War shall have the said tract surveyed and appraised at the expense of the Fishers Island Corporation: *And provided further*, That the Secretary of War shall not sell said tract for a less consideration than the appraised value hereinbefore referred to.

"Sec. 6. That the Secretary of War is hereby authorized to acquire, by purchase or otherwise, two tracts of land on the Atlantic seaboard with necessary rights of way as may, in his discretion, be necessary in the proper defense of the Atlantic coast, and the sum of \$20,000 is hereby authorized to be appropriated from any funds in the Treasury not otherwise appropriated, which sum shall remain available until expended.

"Sec. 7. That there is hereby authorized to be appropriated, out of any money in the Treasury of the United States, not otherwise appropriated, the sum of \$125,000 for the construc-

tion of a cannon-powder blending unit at Picatinny Arsenal, Dover, N. J., to replace the one destroyed by fire on July 31, 1928."

And the Senate agree to the same.

JOHN M. MORIN,  
W. FRANK JAMES,  
JOHN J. McSWAIN,  
*Managers on the part of the House.*

DAVID A. REED,  
FRANK L. GREENE,  
DUNCAN U. FLETCHER,  
*Managers on the part of the Senate.*

#### STATEMENT

This bill (H. R. 13825) passed the House unanimously on May 28, 1928. In the Senate, the bill was amended by striking out everything after the enacting clause, rearranging items as they originally appeared in H. R. 13825, and making some additions. All the items contained originally in H. R. 13825 are included in this conference report with the exception of those for Crissy Field and Fort Douglas, Utah. The items for Crissy Field were stricken out at the request of the Secretary of War, and the items for Fort Douglas were stricken out because they have been included in an act which has already become a law.

The Senate amendment also includes the items contained in H. R. 14154, which passed the House on January 7, 1929; the item contained in H. R. 14152, which passed the House December 17, 1928; the item contained in H. R. 13853, the item contained in H. R. 14154, which passed the House on January 24, 1929; the items contained in H. R. 16503, which was reported unanimously by the House Military Affairs Committee on January 25, 1929; the items contained in H. R. 16502, which was reported unanimously by the House Military Affairs Committee on January 25, 1929; the items contained in H. R. 16355, which was favorably reported unanimously by the House Military Affairs Committee on January 25, 1929; the item contained in H. R. 13931, which was reported unanimously by the House Military Affairs Committee on January 18, 1929; the item contained in H. R. 14151, which passed the House on January 7, 1929; the item contained in H. R. 13693, which passed the House on February 4, 1929.

The new matter contained in the Senate amendment, which has not heretofore been introduced in the House, but which your conferees feel should be included and have agreed to are: \$90,000 for an observation, tuberculosis, and infectious ward, and a laboratory and morgue, and the reconstruction of the third floor of the main building into an operation room at the Walter Reed Hospital; also \$12,000 to complete a nonsectarian chapel at the Walter Reed Hospital. The items for Fort D. A. Russell contained in the Senate amendment and agreed to by your conferees were not included in any House bill, but the necessity for the construction at Fort D. A. Russell is recognized as necessary. The item for an air corps operations building at Yuma, Ariz., was also contained in the Senate amendment and has not heretofore appeared in a House bill. The necessity for this building is recognized, and therefore your conferees agree to its inclusion in the bill.

For a complete explanation of the changes made in H. R. 13825 by the Senate, the attention of the Members of the House is invited to the extension of remarks of Hon. W. FRANK JAMES, of Michigan, on page 3243 of the CONGRESSIONAL RECORD of February 11, 1929.

JOHN M. MORIN,  
W. FRANK JAMES,  
JOHN J. McSWAIN,  
*Managers on the part of the House.*

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

HERMAN C. DAVIS

Mr. MORIN. Mr. Speaker, by direction of the Committee on Military Affairs, I ask unanimous consent to take from the Speaker's table the bill H. R. 9737, with a Senate amendment, and concur in the Senate amendment.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to take from the Speaker's table the bill H. R. 9737, with Senate amendments, and concur in the same. The Clerk will report the bill by title and the Senate amendment.

The Clerk read as follows:

A bill (H. R. 9737) for the relief of Herman C. Davis.

The Senate amendment was read.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the Senate amendment.

The Senate amendment was agreed to.

#### NORTHWESTERN BANDS OF SHOSHONE INDIANS

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill S. 710, and further insist on the amendments of the House, and agree to the further conference asked for by the Senate.

The SPEAKER. The gentleman from Montana asks unanimous consent to take from the Speaker's table the bill S. 710 and further insist on the amendments of the House, and agree to the further conference asked for by the Senate. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (S. 710) conferring jurisdiction upon the Court of Claims to hear, adjudicate, and render judgment in claims which the northwestern band of Shoshone Indians may have against the United States.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection; and the Speaker announced as the conferees on the part of the House Mr. LEAVITT, Mr. SPROUL of Kansas, and Mr. EVANS of Montana.

Mr. SEARS of Florida rose.

The SPEAKER. For what purpose does the gentleman from Florida rise?

Mr. SEARS of Florida. Mr. Speaker, I ask unanimous consent to address the House for 10 minutes on flood control.

The SPEAKER. The Chair does not think it good practice on consent day to recognize gentlemen to address the House out of order.

Mr. SEARS of Florida. But, Mr. Speaker, I yielded the other day.

The SPEAKER. To-day is consent day, and the Chair does not recognize gentlemen to ask consent to speak on consent day.

#### FEDERAL RESERVE BOARD

Mr. BLACK of New York. Mr. Speaker, I move to discharge the Committee on Banking and Currency from the further consideration of House Resolution 313, and that the resolution do now pass.

Mr. SNELL. Mr. Speaker, reserving the right to make a point of order, I would like to have the resolution reported.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

#### House Resolution 313

Resolved, That the Federal Reserve Board be, and is hereby, directed to inform the House of Representatives, if not incompatible with the public interest, of the following facts:

1. Did the Federal Reserve Board confer with Mr. Montagu Norman, governor of the Bank of England, during the month of February, 1929?
2. Were such conferences, if any, solicited by Montagu Norman or by the Federal Reserve Board?
3. What was the subject matter of such conferences and what agreement, if any, was entered into by the Federal Reserve Board and Montagu Norman, and what was said at such conferences?
4. Were notes made of such conferences, and, if so, what were they?
5. Did the Federal Reserve Board confer with any individuals other than Montagu Norman prior to and concerning the public statement issued by the Federal Reserve Board on February 7, 1929, and what was said at such conferences, if any?

Mr. SNELL. Mr. Speaker, I make the point of order that this is not a privileged resolution and can not be brought up at this time.

The SPEAKER. The gentleman from New York makes the point of order that the motion of the gentleman from New York is not privileged. The Chair will hear the gentleman from New York.

Mr. BLACK of New York. Mr. Speaker, the Federal Reserve Board is an executive department of Government required by law to make an annual report to the Congress. This is the usual resolution of inquiry directed to an executive department of Government, not asking for opinions but asking for facts of their functioning, and to my mind it is perfectly within the rules of the House and is a privileged resolution. There is no use in reciting the various precedents on this matter. I simply ask for facts, the resolution is addressed to an executive department, and the necessary time has elapsed.

Mr. SNELL. The gentleman from New York [Mr. BLACK] in his own statement has proved that his resolution does not come within the scope of privileged resolutions when he said



it was addressed to a board instead of a head of a department. Section 5 of Rule XXII provides:

All resolutions of inquiry addressed to the heads of executive departments—

It does not say addressed to executive departments, but to heads of executive departments—

shall be reported to the House within one week after presentation.

Section 1 of Rule XXXIII definitely defines who are considered heads of departments—

"Heads of departments" means members of the President's Cabinet and not subordinate executives.

Therefore, Mr. Speaker, the resolution which the gentleman from New York has presented from his own admission is not directed to the head of a department as defined by the rules of the House, and is not privileged and is subject to a point of order.

Mr. BLACK of New York. Mr. Speaker, the resolution is directed to the board itself and is certainly addressed to the head of a department. This is a Federal board. It happens to have a chairman, but that does not necessarily make the chairman the head of an executive department. This is an executive department of Government which under the law is required not to make a report to the Secretary of the Treasury but to make a report directly to the Congress.

Mr. SNELL. But the rule provides that it must be directed to the head of a department in order to make it privileged.

Mr. BLACK of New York. The law provides that the Federal Reserve Board shall annually make a full report of its operations to the Speaker of the House of Representatives, who shall cause the same to be printed for the information of the Congress, and under that language the only one who could properly receive this resolution of inquiry is the Federal Reserve Board itself, a board required under the law to make a report to Congress.

The board is not required to make its report through a spokesman, either through the Treasury Department or anybody else, but it is required by the law to make its report directly to the Congress. This is an executive board, and it is not a department of the Government, in one sense of the word.

Mr. SNELL. The gentleman is bringing this question up as a privileged matter, and the only thing I am discussing here is whether it is privileged under the rules of the House; and the rules of the House definitely define what is a privileged resolution, a resolution directed to the head of a department, and in another rule there is definitely defined who are heads of departments; and the conditions surrounding this resolution conform to neither of these requirements, and it is therefore not a privileged resolution and can not be called up at this time.

Mr. BLACK of New York. The answer I make to the gentleman is that I am living up to the rules and addressing the resolution to the board itself. If you want to find out who the head of the department is for the purpose of congressional contact you have to consult the Federal reserve law, and the Federal reserve law provides specifically, not that the chairman shall make the report, not that the Secretary of the Treasury shall make the report, or the President of the United States, but that the Federal Reserve Board itself shall make the report.

The SPEAKER. The Chair is prepared to rule.

The question presented is, Is the motion of the gentleman from New York [Mr. BLACK] to discharge the Committee on Banking and Currency from consideration of a resolution addressed to the Federal Reserve Board in compliance with clause 5 of Rule XXII privileged as addressed to the head of a department?

The Chair thinks there is no question whatever about the rule. There are a number of precedents. The first one that the Chair recalls is found in volume III, section 1863, of Hinds' Precedents:

On February 4, 1904, Mr. Edgar D. Crumpacker, of Indiana, from the Committee on the Census, reported as privileged the following resolution:

"Resolved by the House of Representatives, That the Director of the Census be, and he is hereby, directed to inform the House," and so forth. \* \* \*

"The resolution having been read, the Speaker said:

"The Chair desires to say that the Chair is of opinion that this is not a matter of privilege. It is not in the language of the rule addressed to the head of an executive department. The Chair merely wants to call the attention of the gentleman to the fact."

Then the resolution was considered by unanimous consent.

In Hinds' Precedents, volume 5 section 7283, occurs the following sentence:

The words "heads of departments" is construed to mean the members of the President's Cabinet as is evident from the fact that in 1886 the House did not agree to a proposition to add such offices as the Commissioners of Patents, Internal Revenue, Pensions, etc.

The rule with regard to the privilege of the House floor is also very clear. It provides that among those entitled to the privilege of the House floor are heads of departments, and this has been repeatedly held to refer only to members of the Cabinet.

Under the circumstances, the rule being so absolutely clear and the precedents undeviating, the Chair sustains the point of order made by the gentleman from New York [Mr. SNELL].

Mr. RANKIN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RANKIN. On last Saturday, in response to an inquiry made by the gentleman from Tennessee [Mr. REECE], the Chair held that where members of a committee which had regular meeting days published in the directory, and so forth, met on that day and held a meeting and voted to report out a bill, that such bill should go on the calendar provided a majority of the members of the committee were present, even though the meeting had not been called by the chairman.

On behalf of the members, and at the request of members, of the Committee on World War Veterans' Legislation, I desire to propound this inquiry to the Chair: In the case of a committee that does not have regular meeting days, but is scheduled to meet only at the call of the chairman, I desire to know if there is any way by which that committee would be authorized to meet without the meeting being called by the chairman of the committee.

The SPEAKER. As the gentleman has said, the Chair limited his ruling to cases of committees which had fixed days for meeting and had had for many years so it was known by the House that that was its regular custom, a quorum always being present to transact business. Where there is no meeting day fixed the Chair thinks the committee could only meet by the call of the chairman unless the committee should decide upon some other form of procedure.

Mr. RANKIN. Would not the chairman have to call the meeting for them to get together to decide on some other form of procedure?

The SPEAKER. The Chair would rather think that if a majority of the committee desired to have a meeting for the purpose of determining its mode of procedure, the chairman would call the committee together.

Mr. RANKIN. I thank the Chair.

GEORGE ROGERS CLARK SESQUICENTENNIAL COMMISSION

The SPEAKER. The Chair lays before the House the following communication:

WASHINGTON, D. C., February 14, 1929.

Hon. NICHOLAS LONGWORTH,

Speaker of the House of Representatives.

MY DEAR MR. SPEAKER: I hereby tender my resignation as a member of the George Rogers Clark Sesquicentennial Commission.

Respectfully yours,

RALPH GILBERT.

The SPEAKER. Without objection, the resignation will be accepted, and the Chair appoints to fill the vacancy caused by the resignation of Mr. GILBERT the gentleman from Indiana, Mr. GREENWOOD.

There was no objection.

BOISE RECLAMATION PROJECT

Mr. SMITH. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 11360) to authorize the Secretary of the Interior to convey or transfer certain water rights in connection with the Boise reclamation project, with Senate amendments, and agree to the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments.

Mr. CRAMTON. Mr. Speaker, reserving the right to object, I have the impression that the amendment permits a different disposition of these proceeds than the House bill anticipated.

Mr. SMITH. The House bill provided specifically that the proceeds of the sale should be credited to the charges, but the general law takes care of all that, and anything that comes in from the sale of water, under the general law, would have to be applied to the credit of charges for construction purposes.

Mr. CRAMTON. I wonder if the gentleman would mind withholding this for the present. I think I have a memorandum on it.

Mr. SMITH. It only involves a very small amount of land.

Mr. CRAMTON. How much does it involve?

Mr. SMITH. It involves the water rights to about 400 acres, which the Government owns and which it wants to relinquish to the district.

Mr. CRAMTON. Does the department approve of the action that is now proposed by the Senate?

Mr. SMITH. It has not been submitted to the department.

Mr. CRAMTON. I will ask that the gentleman withhold it until I can see just what it is.

Mr. SMITH. Mr. Speaker, I withdraw the request, at the suggestion of the gentleman from Michigan, who wishes to examine the amendments to the bill.

#### MUSCLE SHOALS

Mr. MORIN. Mr. Speaker, I ask unanimous consent that I may have three legislative days to file minority views on the bill known as the Muscle Shoals bill.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that he may have three legislative days to file minority views on the so-called Muscle Shoals bill. Is there objection?

Mr. GARRETT of Texas. Reserving the right to object, Mr. Speaker, how is a Member going to file minority views on a bill when he did not participate in the action of the committee in reporting it and was not present?

The SPEAKER. He may have the assistance of the gentleman from Texas. [Laughter.] Is there objection?

There was no objection.

#### CONSENT CALENDAR

##### BRIDGE ACROSS THE MISSISSIPPI RIVER NEAR BATON ROUGE

The first business on the Consent Calendar was the bill (S. 2449) to authorize the construction of a bridge across the Mississippi River at or near the city of Baton Rouge, in the parish of East Baton Rouge, and a point opposite thereto in the parish of West Baton Rouge, State of Louisiana.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Strike out all after the enacting clause and insert the following committee amendment:

"That the consent of Congress is hereby granted to the Louisiana Highway Commission to construct, maintain, and operate a bridge and approaches thereto across the Mississippi River, at a point suitable to the interests of navigation, at or near the city of Baton Rouge, in the parish of East Baton Rouge, and a point opposite thereto in the parish of West Baton Rouge, both in the State of Louisiana, in accordance with the provisions of an act entitled 'An act to regulate the construction of bridges over navigable waters,' approved March 23, 1906, and subject to the conditions and limitations contained in this act.

"SEC. 2. If tolls are charged for the use of such bridge, the rates of toll shall be so adjusted as to provide a fund sufficient to pay the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the cost of the bridge and its approaches, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the completion thereof. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the costs of the bridge and its approaches, the expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

"SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved."

Amend the title so as to read: "An act granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a toll bridge across the Mississippi River at or near Baton Rouge, La."

Mr. SCHAFER. Mr. Speaker, I move to strike out the last word in order to obtain some information from the committee which reported this bill. Section 2 states that the tolls which are charged for use of the bridge shall be so adjusted as to provide a fund sufficient to pay the cost of building, maintaining, repairing, and operating the bridge, and so forth, under "reasonable charges." I would like to ask some member of the committee reporting the bill who is to determine whether the rates of toll are reasonable or not; who is to supervise the details of this proposition?

Mr. MAPES. I did not report the bill, but the general bridge act gives the power to the Secretary of War through the Board of Engineers.

Mr. LAGUARDIA. Where you have an agency controlling the bridge consisting of two States, the gentleman need not have any misgivings about it. The trouble is where you have a private corporation given all this power; they have all the control.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

The title was amended.

#### AMENDING THE ACTS RESPECTING COPYRIGHT

The next business on the Consent Calendar was the bill (H. R. 13452) to amend the act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909, as amended, in respect of mechanical reproduction of musical compositions, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. O'CONNOR of Louisiana. I object.

#### COMPACTS BETWEEN THE STATES OF COLORADO AND WYOMING

The next business on the Consent Calendar was the bill (H. R. 7026) granting the consent of Congress to compacts or agreements between the States of Colorado and Wyoming with respect to the division and apportionment of the North Platte River and other streams in which such States are jointly interested.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. SIMMONS. Mr. Speaker, I ask unanimous consent that this bill and the next one be passed without prejudice.

The SPEAKER. The gentleman from Nebraska asks unanimous consent that this bill and the next one on the calendar be passed without prejudice. Is there objection?

Mr. LAGUARDIA. This bill has been at the head of the calendar for some time, and the last time the gentleman assented us that it could be disposed of at the next calendar day.

Mr. TAYLOR of Colorado. No; the gentleman is mistaken, he is going to assure the gentleman this time. [Laughter.]

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

#### LEAVE TO ADDRESS THE HOUSE

Mr. SEARS of Florida. Mr. Speaker, I ask unanimous consent that to-morrow, immediately after the reading of the Journal and the disposition of business on the Speaker's table, I may have leave to address the House for 10 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

#### CLASSIFICATION OF THE CHIPPEWA INDIANS OF MINNESOTA

The next business on the Consent Calendar was the bill (H. R. 12414) authorizing the classification of the Chippewa Indians of Minnesota, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. CRAMTON. I object.

#### CREATION OF INDIAN TRUST ESTATES

The next business on the Consent Calendar was the bill (H. R. 7204) to authorize the creation of Indian trust estates, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, this is a very important bill and would require extended discussion. It ought not to come up on this calendar. I ask unanimous consent that it be passed over without prejudice.

Mr. HOWARD of Oklahoma. Mr. Speaker, I demand the regular order.

Mr. CRAMTON. Mr. Speaker, this is the Indian trust bill. There is a great deal of controversy over it and it has very highly important provisions in it. I ask unanimous consent that it go over without prejudice.

The SPEAKER. The gentleman from Michigan asks unanimous consent that the bill may be passed over without prejudice. Is there objection?

There was no objection.



## YUMA AND YUMA MESA AUXILIARY IRRIGATION PROJECTS

The next business on the Consent Calendar was the bill (H. R. 15918) to amend the act entitled "An act to authorize credit upon the construction charges of certain water-right applicants and purchasers on the Yuma and Yuma Mesa auxiliary projects, and for other purposes."

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LaGUARDIA. Mr. Speaker, reserving the right to object, I understand the gentleman from California [Mr. SWING] on last Consent Calendar day, had some objections to this bill.

Mr. DOUGLAS of Arizona. Mr. Speaker, I do not think so. It was the gentleman from Michigan [Mr. CRAMTON] who asked that it go over without prejudice in order that he might have time to investigate it.

Mr. LaGUARDIA. This is not the Imperial Valley project then?

Mr. DOUGLAS of Arizona. No.

Mr. CRAMTON. Mr. Speaker, reserving the right to object, I have not had the opportunity to make the study that I wanted to make. The Yuma irrigation district situation is very complicated. However, I have been advised that all this bill does is to make possible certain adjustments cared for in the last proviso.

Mr. DOUGLAS of Arizona. Yes.

Mr. CRAMTON. For those who have paid up in full?

Mr. DOUGLAS of Arizona. Yes.

Mr. CRAMTON. It does not make any change for any one else?

Mr. DOUGLAS of Arizona. None whatever.

Mr. CRAMTON. Mr. Chairman, I withdraw my objection.

Mr. LaGUARDIA. It is not connected in any way, remotely or otherwise, with the big proposition that we have in mind.

Mr. DOUGLAS of Arizona. No. I shall explain the situation to the gentleman if he desires.

Mr. LaGUARDIA. If the gentleman assures me that it is not connected with that in any way, I shall be satisfied.

Mr. DOUGLAS of Arizona. It has nothing to do with any water rights of the Imperial irrigation district, or any payments which the Imperial irrigation district is under obligation to make to the United States.

Mr. LaGUARDIA. And has no connection directly or indirectly with the Boulder Dam proposition?

Mr. DOUGLAS of Arizona. Absolutely none.

Mr. LaGUARDIA. Mr. Speaker, I accept the gentleman's assurance.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the act entitled "An act to authorize credit upon the construction charges of certain water-right applicants and purchasers on the Yuma and Yuma Mesa auxiliary projects, and for other purposes," approved June 28, 1926, be amended so as to read as follows:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to credit the individual water-right applicants on the Yuma reclamation project and the purchasers of water rights on the Yuma Mesa auxiliary project, on the construction charges due under their contracts with the United States under the reclamation act and acts amendatory thereof and supplementary thereto, with their proportionate part of all payments heretofore made or hereinafter to be made by the imperial irrigation district of California under contract entered into under date of October 23, 1918, between the said district and the Secretary of the Interior: *Provided*, That lands in the Yuma Indian Reservation for which water rights have been purchased shall share pro rata in the credits so to be applied: *Provided further*, That where construction charges are paid in full said payments shall be credited on operation and maintenance charges assessed against the lands to which said payments would otherwise apply."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

## RADIO CENTER, BOLLING FIELD, D. C.

The next business on the Consent Calendar was the bill (H. R. 13931) to authorize an appropriation for the construction of a building for a radio and communication center at Bolling Field, District of Columbia.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LaGUARDIA. Mr. Speaker, reserving the right to object, I held this bill up on last consent day to obtain information from the War Department and the Navy Department. I have

obtained that information, and without burdening the House with it at this time, I ask unanimous consent to insert at this point in the Record a letter I received from the Secretary of War, and withdraw my objection to the bill.

The SPEAKER. The gentleman from New York asks unanimous consent to insert a letter at this point in the Record. Is there objection?

There was no objection.

The letter referred to is as follows:

FEBRUARY 12, 1929.

HON. FIORELLO H. LaGUARDIA,

*House of Representatives, Washington, D. C.*

DEAR MR. LaGUARDIA: I am pleased to reply to your letter of February 4, 1929, concerning the possibility of utilizing the Navy Department radio station at Arlington for all Government services in connection with consideration of H. R. 13931, a bill to authorize an appropriation for the construction of a building for a radio and communication center at Bolling Field.

This radio and communication center as now existing transmits during the dull season approximately 500 to 600 messages daily and during the rush times over 1,000 messages daily for 49 bureaus, branches, or departments of the Government, including the Navy Department.

This transmission effected a net saving of \$263,000 during the last year, which would have been the cost of transmittal by commercial facilities at Government rate.

Information received from the Navy Department indicates that they would be unable to handle Army business in addition to their own without the installation of additional equipment, which in turn would require the enlargement of their present buildings and grounds costing more than that involved in erecting an Army radio building at an Army station.

The War Department hook-up controls 212 land stations similar to the control which the Navy exerts over its stations and the consolidation of this control is not believed to be desirable.

Another vital consideration is the fact that the Army net handles all messages and broadcasts in connection with the air activities of the War Department, it being possible to give them first priority in transmission.

If all this should be placed at Arlington, the Navy could not give such priority as they must give similar priority to their broadcasts in the interests of their flying activities, weather information, and ships at sea, and for issuing orders to their fleets at stated hours.

I still feel it to be essential that the Army be provided with a suitable building to house its radio transmitters and that it is not desirable or practicable to utilize the naval radio station at Arlington, Va., for the purpose of housing all Army radio transmitters located or to be located in the vicinity of Washington, D. C., for the following reasons:

At the present time radio transmitters under War Department control are located at Fort Myer (3), Annapolis (1), navy yard (1), Bolling Field (1).

It will be necessary in the near future to make available nine radio transmitters for use by the War Department radio net due to the steady and rapid increase of traffic for all Government branches, bureaus, and departments being handled by this net. Sufficient space at Arlington is not available for installing the War Department radio transmitters now in operation. High-powered, high-frequency amplifiers are essential for use with the present transmitters, and this equipment requires much space in order to insure efficient operation and safety of personnel.

It is essential that the Signal Corps train personnel in the handling of high-powered radio transmitters and amplification equipment. This valuable purpose would be lost in the event that War Department equipment of this magnitude and importance was turned over to the Navy. There would be divided responsibility which would result in loss of efficiency.

At the present time the War Department has one high-frequency transmitter located at the navy yard under similar conditions to those outlined in your letter. The operation of this transmitter is far from being efficient, and has required during the last two months more care than three transmitters located at Fort Myer under direct control of the War Department.

It would not be proper to group all Government transmitters in one location. Any operating difficulty, such as loss of power, storms, etc., would throw the Army and Navy nets out of operation. The Navy Department has appreciated this and at the present time has transmitters located at Annapolis, navy yard, and Arlington.

It would not be economical, as any saving which would be effected by initial construction would be lost in alterations at Arlington and rental of long control and signal lines from the Munitions Building to Radio, Va.

Sincerely yours,

DWIGHT F. DAVIS,  
*Secretary of War.*

The SPEAKER. Is there objection to the consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That there is hereby authorized to be appropriated not to exceed \$30,000, to be expended for the construction of a building for a radio and communication center at Bolling Field, D. C.

With the following committee amendment:

Line 6, after the word "Columbia," insert "or at a point on a military reservation in the vicinity of the District of Columbia to be selected by the Secretary of War."

The committee amendment was agreed to; and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

#### VOCATIONAL EDUCATION

The next business on the Consent Calendar was the bill (H. R. 15211) to amend section 7 of the act entitled "An act to provide for the promotion of vocational education; to provide for co-operation with the States in the promotion of such education in agriculture and the trades and in industries; to provide for cooperation with the States in the preparation of teachers of vocational subjects; and to appropriate money and regulate its expenditures," approved February 23, 1917, as amended.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLACK of Texas. Mr. Speaker, I object.

#### COTTON STATISTICS

The next business on the Consent Calendar was the bill (S. 4206) authorizing the Director of the Census to collect and publish certain additional cotton statistics.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLACK of Texas. Mr. Speaker, I object.

#### BRIDGE ACROSS MISSOURI RIVER AT OMAHA, NEBR.

The next business on the Consent Calendar was the bill (H. R. 15011) authorizing Charles B. Morearty, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Omaha, Nebr.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, the Department of Agriculture, Roads Bureau, recommends against favorable action on this bill, and I therefore object.

The SPEAKER. Objection is heard.

#### BRIDGE ACROSS MISSOURI RIVER AT SOUTH OMAHA, NEBR.

The next business on the Consent Calendar was the bill (H. R. 15012) authorizing Charles B. Morearty, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near South Omaha, Nebr.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I call attention to the report of the Department of Agriculture recommending against favorable action on this bill, and I therefore object.

Mr. ARENTZ. Mr. Speaker, I would like to say a word in regard to these bridge bills. It seems to me a bridge bill is either good or bad, and surely the gentleman from Illinois [Mr. DENISON] will get together with the official objectors and agree as to what bridge bills are good and what bridge bills are bad and pass them collectively in order to save the time of the House in considering private bills. I hope the gentleman from Illinois will do that and let us pass them collectively.

Mr. GARRETT of Texas. I think the observation made by the gentleman is entirely correct. There are some of these bills to which there is no objection and some of these bills to which there is objection, and I agree entirely with the gentleman, and I hope that the gentleman from Illinois will report an omnibus bill.

Mr. LAGUARDIA. I have all of my bills marked, and I can tell instantly which to object to or not.

Mr. DENISON. I think I can assure the gentleman that we will figure out some way in reference to these bills.

Mr. GARRETT of Texas. I have one or two marked, and I will agree to pass them over.

#### BRIDGE ACROSS GARNIERS BAYOU, FLA.

The next business on the Consent Calendar was the bill (H. R. 15525) authorizing Thomas E. Brooks, his heirs, legal repre-

sentatives, and assigns, to construct, maintain, and operate a bridge across the Garniers Bayou at or near the point where State Road No. 10 crosses the said Garniers Bayou, in the State of Florida.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, the Department of Agriculture, Bureau of Roads, reports against the passage of this bill, and I am therefore constrained to object.

The SPEAKER. Objection is heard.

#### BRIDGE ACROSS OHIO RIVER AT NEW MARTINSVILLE, W. VA.

The next business on the Consent Calendar was the bill (H. R. 15570) authorizing S. R. Cox, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near New Martinsville, W. Va.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, the Department of Agriculture, Bureau of Roads, recommended against the proposed action on this bill, and I therefore object.

Mr. BACHMANN. Will the gentleman withhold his objection?

Mr. LAGUARDIA. Certainly.

Mr. BACHMANN. I want to say for the information of the gentleman that at the last session of Congress this bill was passed for building this bridge at New Martinsville, W. Va. The town council entered into an agreement with the bridge company to construct the bridge, and the bridge company which obtained the franchise wanted the town of New Martinsville to pay the sum of \$5,000 before it would turn the franchise over to them. At this session of Congress I introduced a bill repealing that act and introduced this bill asking for the consent of Congress to authorize S. R. Cox, who is the town recorder of the town of New Martinsville, to construct this bridge, so that the town itself, in so far as its financial condition was concerned, could go ahead with this project and build the bridge.

Mr. LAGUARDIA. I wish the gentleman from West Virginia to understand that there is nothing personal in my attitude. I am simply trying to uphold and support the attitude of the Roads Bureau, which in turn is trying to do some excellent constructive work. The gentleman should take up the matter with the Roads Bureau. There is no feeling in this matter on my part. I must be consistent. I must object to all these bills and follow the recommendation of the Roads Bureau.

Mr. BACHMANN. What I am trying to clarify in the gentleman's mind is this, that only at the first session of this Congress we passed a bill to complete a bridge at that place, and the bridge would probably have been under construction by this time if the bridge company and the town council had been able to get together. This bill gives authority to S. R. Cox, the town recorder, to build the bridge.

Mr. LAGUARDIA. The Department of Agriculture says concerning this bill:

Routes on the Ohio and West Virginia systems of Federal-aid highways parallel the Ohio River on both sides, passing through New Martinsville and points opposite in Ohio. A bridge across the Ohio River at this point, therefore, would constitute a connecting link between these routes on the system of Federal-aid highways. The department would, therefore, recommend against favorable action on the bill.

Mr. BACHMANN. At the last session I introduced a bill to construct a bridge at that particular place. I am trying to get authority for the council to go ahead and build the bridge. I have been in touch with the Department of Agriculture with respect to this, but they never changed their report.

Mr. LAGUARDIA. Of course, we have nothing but the report of December 28, 1928, from which I read.

Mr. TILSON. Mr. Speaker, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. TILSON. Will the gentleman in just a few words state what is the position of the Roads Department?

Mr. LAGUARDIA. Yes. The roads on both sides, both in West Virginia and Ohio, are a part of the Federal road system. This bridge would connect the two highways which are within the Federal road system. The attitude of the department is not to allow these bridges to be built by private concerns and charge tolls. The gentleman will realize that building a bridge across a Federal highway is of particular concern to the authorities in the Federal road system. The Government is appropriating very generously for the Federal road system.

Mr. TILSON. It seems to me it might be a useful adjunct to the roads on both sides of the river to have a bridge built there.



Mr. LAGUARDIA. I am merely trying to carry out one of the policies of the Federal road system.

Mr. TILSON. Unless there is a good reason for it we need not support it.

The SPEAKER. Is there objection?

Mr. LAGUARDIA. I object.

The SPEAKER. Objection is heard. The Clerk will report the next bill.

#### BRIDGE ACROSS THE MAUMEE RIVER

The next business on the Consent Calendar was the bill (H. R. 15715) authorizing the construction of a high-level bridge across the Maumee River at or near its mouth.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. SCHAFER. Reserving the right to object, Mr. Speaker, I hold in my hand a telegram from Hon. W. E. Jackson, mayor of Toledo, which reads as follows:

TOLEDO, OHIO, February 16, 1929.

JOHN C. SCHAFER,

House of Representatives:

Urge you use influence to kill H. R. 15715, granting toll bridge franchise to Rheinfrank. Sentiment in Toledo opposed to private toll bridge. Want time to determine feasibility of free bridge. Also opposed to bill granting municipal toll bridge franchise until study is made.

WILLIAM T. JACKSON, Mayor.

I rise at this time to ask for information. Is there any probability that in the near future a free bridge will be constructed at this point?

Mr. CHALMERS. Will the gentleman withhold his objection?

Mr. SCHAFER. I will reserve it.

Mr. CHALMERS. Mr. Speaker, when I first introduced this bill I said I would not urge its passage unless I was convinced that, in the first place, it did not interfere with our plans for the development of the Toledo port; and, second, I must be convinced that the city of Toledo wanted it. I am assured by the War Department that it will not in any way interfere with the port. This bridge is to be built under the jurisdiction and direction of the War Department. There is a clearance of 136 feet under the bridge.

Mr. SCHAFER. Is the city council in favor of this bill?

Mr. CHALMERS. They are in favor of it by a vote of 18 to 2. They passed a resolution favoring this toll bridge.

Mr. LAGUARDIA. What did the mayor of Toledo say?

Mr. SCHAFER. He is opposed to it.

Mr. CHALMERS. I want to see done what the city of Toledo wants. I have here a statement under oath that 18 of the 20 councilmen representing the different wards of the city of Toledo certifying to me to-day that they will carry this Toledo bridge resolution by a two-thirds vote over the mayor's veto at the first opportunity, which will be on the 26th day of this month. I will ask the chairman in charge of bridge legislation in the Senate to hold this bill up in the Senate until the Toledo council acts.

Mr. SCHAFER. How does the mayor feel about it?

Mr. CHALMERS. He feels that the resolution has no effect. After two months agitation, the city of Toledo decides that it wants it. I am in favor of letting them have what they want.

Mr. SCHAFER. I have the highest regard for the distinguished gentleman from Ohio [Mr. CHALMERS], who so ably and efficiently represents the people of Toledo in the Halls of Congress. In view of the fact that he favors this bill and in view of the statement he has made, I shall not object.

Mr. COOPER of Wisconsin. The gentleman says the aldermen have expressed their desire to have this bridge. Have the people ever had an opportunity to vote on the question.

Mr. CHALMERS. The people voted bonds for a \$3,000,000 bridge at the last November election.

Mr. COOPER of Wisconsin. To be paid for by the people?

Mr. CHALMERS. By the people; yes.

Mr. COOPER of Wisconsin. A free bridge?

Mr. CHALMERS. Yes. We have five bridges, and if people do not want to pay toll they can go a mile farther and pass over a free bridge.

Mr. COOPER of Wisconsin. I am prompted to ask this question because the gentleman from Missouri [Mr. COCHRAN] a few days ago told the House of a toll bridge in Arkansas that cost between \$300,000 and \$400,000, and the tolls collected last year were more than \$100,000. So that a toll bridge in these days of automobiles has gotten to be a pretty good proposition.

Mr. COCHRAN of Missouri. And let me say to the gentleman that the hearings before the United States district engi-

neers held last week developed the fact that the owners of that bridge are fighting a reduction in tolls.

Mr. LAGUARDIA. May I say to the gentleman from Wisconsin that all the Bureau of Roads, in the Department of Agriculture, is seeking to do is to give the public the benefit of the Federal-aid system of public roads and we should stand by them.

Mr. COOPER of Wisconsin. And the gentleman's idea is that when the Government builds a road on each side of a river private individuals should not have an opportunity to build a bridge which will give them the benefit of tolls on the traffic which the Government has brought to the bridge.

Mr. LAGUARDIA. That is because it gives a monopoly at that point.

Mr. CHALMERS. Mr. Speaker, when I was first requested by Mr. Eugene Rheinfrank on December 21, 1928, to introduce in Congress a bridge bill for the construction of a high-level toll bridge near the mouth of the Maumee River, I wrote Mr. Rheinfrank that before doing so I must be convinced, first, that the people of Toledo favored his project and, second, that it would not in any way interfere with our plans to make Toledo a world port.

At the same time I wrote to city and county officials and citizens of the district, calling for their judgment and advice on this important subject. My answers favoring the project have indicated a large majority. I would say the majority is more than 80 per cent, as an examination of my bridge file will show. I have had resolutions from 14 civic, social, and business organizations and clubs of the district indorsing the project. Only one organization has sent me resolutions condemning it.

As soon as I was assured by the War Department that the public interests and that of the port would be well guarded and cared for, I was satisfied on my second reservation, our port interests.

As to whether or not the city of Toledo wants the toll bridge built under proper safeguards, regulations, and restrictions, I decided early to leave to the Toledo City Council. When they indorsed the project by a vote of 18 to 2 one would think that this would be sufficient evidence of public opinion. But since the mayor has vetoed the resolution, and to be doubly sure of what the people want, I have decided to let the bill go through the House to-day and await in the Senate action on the mayor's veto. If the bill were passed over on the Consent Calendar to-day, it would be killed for the Seventieth Congress. I do not feel like assuming that responsibility.

If, after all this publicity and agitation, the council again passes the resolution by a two-thirds vote, we ought all to gracefully yield to the majority views.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted etc.,* That in order to promote interstate commerce, improve the Postal Service, and provide for military and other purposes, Eugene Rheinfrank, his heirs, legal representatives, and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Maumee River, within the county of Lucas, State of Ohio, at a point suitable to the interests of navigation, at a point at or near its mouth, or entrance into Maumee Bay, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. After the completion of such bridge, as determined by the Secretary of War, either the State of Ohio, any political subdivision thereof within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation in accordance with the laws of such State governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of 20 years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interest in real property; (3) actual financing and promotion cost, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interest in real property; and (4) actual expenditures for necessary improvements.

SEC. 3. If such bridge shall at any time be taken over or acquired by the State of Ohio, or by any municipality or other political subdivision or public agency thereof, under the provisions of section 2 of this act, and if tolls are charged for the use thereof, the rates of tolls shall be

so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the amount paid therefor, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the date of acquiring the same. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of tolls shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 4. Eugene Rheinfrank, his heirs, legal representatives, and assigns, shall within 90 days after the completion of such bridge file with the Secretary of War and with the Highway Department of the State of Ohio a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion cost. The Secretary of War may, and, at the request of the Highway Department of the State of Ohio, shall at any time within three years after the completion of such bridge investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge. For the purpose of such investigation the said Eugene Rheinfrank, his heirs, legal representatives, and assigns, shall make available all records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 2 of this act, subject only to review in a court of equity for fraud or gross mistake.

SEC. 5. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to Eugene Rheinfrank, his heirs, legal representatives, and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

#### With the following committee amendments:

Page 2, line 12, after the word "condemnation," insert the words "or expropriation."

Line 16, strike out the word "twenty" and insert the word "five."

Page 3, line 1, strike out the word "Interest" and insert the word "interests."

Line 7, after the word "are," insert the word "thereafter."

Line 8, strike out the word "tolls" and insert the word "toll."

Line 19, strike out the word "tolls" and insert the word "toll."

Page 4, line 10, strike out the word "cost" and insert the word "costs."

Page 5, after line 10, add the following as a new section:

"SEC. 6. All contracts made in connection with the construction of the bridge authorized by this act, and which shall involve the expenditure of more than \$5,000, shall be let by competitive bidding. Such contracts shall be advertised for a reasonable time in some newspaper of general circulation published in the State in which the bridge is located and in the vicinity thereof; sealed bids shall be required and the contracts shall be awarded to the lowest responsible bidder. Verified copies or abstracts of all bids received and of the bid or bids accepted shall be promptly furnished to the highway department of the State in which such bridge is located. A failure to comply in good faith with the provisions of this section shall render null and void any contract made in violation thereof, and the Secretary of War may, after hearings, order the suspension of all work upon such bridge until the provisions of this section shall have been fully complied with."

Page 6, line 2, strike out the figure "6" and insert the figure "7."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended.

#### BRIDGE ACROSS THE SUSQUEHANNA RIVER

The next business on the Consent Calendar was the bill (H. R. 15849) authorizing Richard H. Klein, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Susquehanna River at or near the borough of Liverpool, Perry County, Pa.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. The gentleman from New York asks unanimous consent that this bill may be passed over without prejudice. Is there objection?

There was no objection.

#### BRIDGE ACROSS THE MONONGAHELA RIVER

The next business on the Consent Calendar was the bill (H. R. 16205) authorizing the Fayette City Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Monongahela River at or near Fayette City, Fayette County, Pa.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, the time for amortization under this bill has been reduced from 20 years to 5 years. It is not on the Federal-aid system of roads, and if the committee will press its amendment, changing the time from 20 years to 5 years, I shall not object.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That in order to promote interstate commerce, improve the Postal Service, and provide for military and other purposes, the Fayette City Bridge Co., its successors and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Monongahela River, at a point suitable to the interests of navigation, at or near Fayette City, Pa., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. After the completion of such bridge as determined by the Secretary of War, either the Commonwealth of Pennsylvania, any political subdivision thereof within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches and any interest in real property necessary therefor, by purchase or by condemnation or expropriation, in accordance with the laws of the Commonwealth of Pennsylvania governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of 20 years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) actual cost of acquiring such interests in real property; (3) actual financing and promotion cost, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interests in real property; and (4) actual expenditures for necessary improvements.

SEC. 3. That if such bridge shall at any time be taken over or acquired by the Commonwealth of Pennsylvania or by any municipality or political subdivision or public agency thereof, under the provisions of section 2 of this act, and if tolls are thereafter charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management and to provide a sinking fund sufficient to amortize the amount paid therefore, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the date of acquiring the same. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 4. That Fayette City Bridge Co., its successors and assigns, shall, within 90 days after the completion of such bridge, file with the Secretary of War, and with the Highway Department of the Commonwealth of Pennsylvania, a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and at the request of the Highway Department of the Commonwealth of Pennsylvania shall, at any time within three years after the com-



pletion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge; for the purpose of such investigation the said Fayette City Bridge Co., its successors and assigns, shall make available all of its records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 2 of this act, subject only to review in a court of equity for fraud or gross mistake.

SEC. 5. That the right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the Fayette City Bridge Co., its successors and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 6. The right to alter, amend, or repeal this act is herein expressly reserved.

With the following committee amendments:

Page 2, line 16, strike out "twenty" and insert "five."

Page 3, line 6, insert the word "other" after the word "or."

Page 3, line 13, strike out the word "therefore" and insert the word "thereof."

Page 3, line 22, strike out the word "approaches" and insert the word "approaches."

Page 5, after line 12, insert the following as a new section:

"SEC. 6. All contracts made in connection with the construction of the bridge authorized by this act and which shall involve the expenditure of more than \$5,000 shall be let by competitive bidding. Such contracts shall be advertised for a reasonable time in some newspaper of general circulation published in the State in which the bridge is located and in the vicinity thereof; sealed bids shall be required, and the contracts shall be awarded to the lowest responsible bidder. Verified copies or abstracts of all bids received and of the bid or bids accepted shall be promptly furnished to the highway department of the State in which such bridge is located. A failure to comply in good faith with the provisions of this section shall render null and void any contract made in violation thereof, and the Secretary of War may, after hearings, order the suspension of all work upon such bridge until the provisions of this section shall have been fully complied with."

Page 6, line 5, strike out the figure "6" and insert the figure "7."

Page 6, line 6, strike out the word "herein" and insert the word "hereby."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

#### BRIDGE ACROSS THE SUSQUEHANNA RIVER

Mr. BEERS. Mr. Speaker, I ask unanimous consent to return to Calendar No. 1159, H. R. 15849, a bill authorizing Richard H. Klein, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Susquehanna River at or near the borough of Liverpool, Perry County, Pa.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to return to Calendar No. 1159, H. R. 15849, which was passed over without prejudice. Is there objection.

There was no objection.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I shall not object if the gentleman from Pennsylvania will accept an amendment which I shall offer to the committee amendment. The bill provides for recapture within 30 years. The committee's amendment provides for 20 years; the bureau recommends 15 years, and I shall offer such an amendment.

Mr. BEERS. I will accept that amendment.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in order to promote interstate commerce, improve the Postal Service, and provide for military and other purposes, Richard H. Klein, his heirs, legal representatives, and assigns, be, and he is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Susquehanna River, at a point suitable to the interests of navigation, at or near the borough of Liverpool, Perry County, Pa., in accordance with the provisions of the act entitled

"An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. After the completion of such bridge, as determined by the Secretary of War, either the State of Pennsylvania, any political subdivision thereof within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation or expropriation, in accordance with the laws of such State governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of 30 years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interests in real property; (3) actual financing and promotion cost, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interests in real property; and (4) actual expenditures for necessary improvements.

SEC. 3. If such bridge shall at any time be taken over or acquired by the State of Pennsylvania, or by any municipality or other political subdivision or public agency thereof, under the provisions of section 2 of this act, and if tolls are thereafter charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management and to provide a sinking fund sufficient to amortize the amount paid therefor, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 30 years from the date of acquiring the same. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 4. The said Richard H. Klein, his heirs, legal representatives, and assigns, shall within 90 days after the completion of such bridge file with the Secretary of War and with the Highway Department of the State of Pennsylvania, a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and at the request of the Highway Department of the State of Pennsylvania shall, at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge. For the purpose of such investigation, the said Richard H. Klein, his heirs, legal representatives, and assigns, shall make available all of his records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 2 of this act, subject only to review in a court of equity for fraud or gross mistake.

SEC. 5. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to Richard H. Klein, his heirs, legal representatives, and assigns; and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 6. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

Page 2, line 17, strike out the word "thirty" and insert the word "five."

Page 3, line 16, strike out the word "thirty" and insert the word "twenty."

Mr. LAGUARDIA. Mr. Speaker, I offer an amendment to the committee amendment by striking out "twenty" and inserting in lieu thereof "fifteen."

The SPEAKER. The gentleman from New York offers an amendment to one of the committee amendments, which the Clerk will report.

The Clerk read as follows:

Amendment to the committee amendment offered by Mr. LAGUARDIA: Page 3, line 16, strike out the word "twenty" and insert in lieu thereof the word "fifteen."

The amendment to the committee amendment was agreed to. The Clerk read as follows:

Committee amendment: Page 5, after line 11, insert a new section to be known as section 6, as follows:

"Sec. 6. All contracts made in connection with the construction of the bridge authorized by this act and which shall involve the expenditure of more than \$5,000 shall be let by competitive bidding. Such contracts shall be advertised for a reasonable time in some newspaper of general circulation published in the State in which the bridge is located and in the vicinity thereof; sealed bids shall be required, and the contracts shall be awarded to the lowest responsible bidder. Verified copies of abstracts of all bids received and of the bid or bids accepted shall be promptly furnished to the highway department of the State in which such bridge is located. A failure to comply in good faith with the provisions of this section shall render null and void any contract made in violation thereof, and the Secretary of War may, after hearings, order the suspension of all work upon such bridge until the provisions of this section shall have been fully complied with."

Page 6, line 3, strike out the figure "6" and insert the figure "7."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

#### BRIDGE ACROSS ST. LAWRENCE RIVER

The next business on the Consent Calendar was the bill (H. R. 16345) authorizing Frank A. Augsbury, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the St. Lawrence River, near Morristown, N. Y.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Reserving the right to object, I understand the bureau is in error when it states that this connects two Federal-aid roads meeting each other at the stream.

Mr. SNELL. I think they are entirely wrong in their position because there is a Federal-aid road that runs south of the St. Lawrence River east and west. This bridge is for the road coming from Canada and will eventually join up and come into the Federal-aid road, but they will have to build a special road from half a mile to three-quarters of a mile long. It does not force anybody to go across this bridge.

Mr. LAGUARDIA. Then it does not come within the category that we have just been discussing.

Mr. SNELL. Not as I understand it. If we can get somebody to put their money in there we would like to have them build the bridge.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That in order to facilitate international commerce, improve the Postal Service, and provide for military and other purposes, Frank A. Augsbury, his heirs, legal representatives, and assigns, be and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the St. Lawrence River, so far as the United States has jurisdiction over the waters of said St. Lawrence River, at a point suitable to the interests of navigation at or near Morristown, St. Lawrence County, N. Y., to some suitable or convenient point at or near Brockville, in the Province of Ontario, in the Dominion of Canada, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, subject to the conditions and limitations contained in this act, and subject to the approval of the proper authorities in the Dominion of Canada.

SEC. 2. There is hereby conferred upon Frank A. Augsbury, his heirs, legal representatives, and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property in the State of New York needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State of New York, upon making just compensation therefor to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation and expropriation of property in such State.

SEC. 3. The said Frank A. Augsbury, his heirs, legal representatives, and assigns, is hereby authorized to fix and charge tolls for transit over such bridge in accordance with any laws of New York applicable thereto,

and the rates of tolls so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to Frank A. Augsbury, his heirs, legal representatives, and assigns; and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 5. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendment:

Page 2, line 23, after the word "property," insert the words "for public purposes."

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

Amend the title so as to read: "A bill authorizing Frank A. Augsbury, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the St. Lawrence River at or near Morristown, N. Y."

#### BRIDGE ACROSS WABASH RIVER

The next business on the Consent Calendar was the bill (S. 4451) to amend the act entitled "An act authorizing Roy Clipping, Ulys Pyle, Edgar Leathers, Groves K. Flescher, Carmen Flescher, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Wabash River at or near McGregors Ferry in White County, Ill.," approved May 1, 1928.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Illinois [Mr. WILLIAMS] a question.

Mr. HULL of Tennessee. Mr. Speaker, I object.

#### BRIDGE ACROSS THE MISSOURI RIVER NEAR BROWNVILLE, NEBR.

The next business on the Consent Calendar was the bill (S. 4861) authorizing the Brownville Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Brownville, Nebr.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That in order to facilitate interstate commerce, improve the Postal Service, and provide for military and other purposes, the Brownville Bridge Co., its successors and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Missouri River at a point suitable to the interests of navigation, at or near Brownville, Nebr., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. There is hereby conferred upon the Brownville Bridge Co., its successors and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. The said Brownville Bridge Co., its successors and assigns, is hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. After the completion of such bridge, as determined by the Secretary of War, either the State of Nebraska, the State of Missouri, any public agency or political subdivision of either of such States, within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation or expropriation, in accordance with the laws of either of such States governing the acquisition of private property for public



purposes by condemnation or expropriation. If at any time after the expiration of 20 years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interests in real property; (3) actual financing and promotion costs, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interest in real property; and (4) actual expenditures for necessary improvements.

Sec. 5. If such bridge shall at any time be taken over or acquired by the States or public agencies or political subdivisions thereof, or by either of them, as provided in section 4 of this act, and if tolls are thereafter charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the amount paid therefor, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the date of acquiring the same. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

Sec. 6. The Brownville Bridge Co., its successors and assigns, shall within 90 days after the completion of such bridge file with the Secretary of War and with the highway departments of the States of Nebraska and Missouri a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and upon request of the highway department of either of such States shall, at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge. For the purpose of such investigation the said Brownville Bridge Co., its successors and assigns, shall make available all of its records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 4 of this act, subject only to review in a court of equity for fraud or gross mistake.

Sec. 7. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the Brownville Bridge Co., its successors and assigns; and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

Sec. 8. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

Page 3, line 11, strike out the word "twenty" and insert the word "five" in lieu thereof.

Page 6, after line 3, insert the following as section 8:

"Sec. 8. All contracts made in connection with the construction of the bridge authorized by this act and which shall involve the expenditure of more than \$5,000 shall be let by competitive bidding. Such contracts shall be advertised for a reasonable time in some newspapers of general circulation published in the States in which the bridge is located and in the vicinity thereof; sealed bids shall be required and the contracts shall be awarded to the lowest responsible bidder. Verified copies or abstracts of all bids received and of the bid or bids accepted shall be promptly furnished to the highway departments of the States in which such bridge is located. A failure to comply in good faith with the provisions of this section shall render null and void any contract made in violation thereof, and the Secretary of War may, after hearings, order the suspension of all work upon such bridge until the provisions of this section shall have been fully complied with."

The committee amendments were agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

#### BRIDGE ACROSS THE WABASH RIVER

Mr. WILLIAMS of Illinois. Mr. Speaker, I ask unanimous consent to return to Calendar No. 1163, the bill S. 4451.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. WILLIAMS of Illinois. I will ask the gentleman from Tennessee if he will reserve his objection.

Mr. HULL of Tennessee. Yes.

Mr. WILLIAMS of Illinois. I will say to the gentleman from Tennessee, who objected to the consideration of the bill, that a bill was passed at the last session authorizing these people to construct a bridge across the Wabash River at McGregors Ferry, and became a law. This bill is an amendment to that bill authorizing a change of location from McGregors Ferry about 16 miles north at New Harmony.

Mr. HULL of Tennessee. I will say to the gentleman in all candor that, according to my information, after this first act was passed some citizens of my section went over there and expended considerable time and money in preparations for the construction of a bridge at the point now proposed by the amended bill, and in these circumstances, for the present, I feel constrained to object.

Mr. WILLIAMS of Illinois. Will the gentleman state whether or not a bill has been introduced for the people he mentions?

Mr. HULL of Tennessee. I have not introduced such a bill. That has been their intention, according to their statements to me.

Mr. WILLIAMS of Illinois. I thought perhaps, in view of the statement I have just made, the gentleman might withdraw his objection.

Mr. HULL of Tennessee. This matter might clarify itself later. I am just complying with the request of some citizens in my section.

The SPEAKER. Objection is heard.

#### NAVAL RESERVE AND MARINE CORPS RESERVE

The next business on the Consent Calendar was the bill (H. R. 7930) to amend section 24 of the act approved February 28, 1925, entitled "An act to provide for the creation, organization, administration, and maintenance of a Naval Reserve and a Marine Corps Reserve."

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, may I ask the gentleman in charge of the bill a question? This apparently looks very innocent on its face, but the cost of inspecting and transporting these men for the purpose of inspection is estimated at \$12.40 a man and amounts to \$74,250 per year, and then this statement is made, which seems inconsistent:

This amount would be reduced each year by deaths, resignations, etc., among those members of the Fleet Naval Reserve transferred thereto prior to July 1, 1925.

It is not the intention of the bill to reduce the strength of the Naval Reserve; therefore, how do you expect this reduction owing to deaths and resignations?

Mr. HALE. These are men on the retired list, of course.

Mr. LAGUARDIA. Are there not other men going on the retired list all of the time?

Mr. BRITTEN. If my colleague on the committee will yield, and answering the gentleman's question, as the Fleet Naval Reserve is now constituted, it is divided as far as regulations and rules of the department are concerned for examination for these men. The law of August, 1916, provides that certain reservists shall be subject to examination and inspection at least every four years. In 1925 legislation was enacted that inadvertently left out the reserves enrolled prior to 1925, so the reservists enrolled since then who went out with 16 to 20 years' service may be called once every four years, while everybody enrolled prior to that may not be called at all.

Mr. LAGUARDIA. So they are gradually reduced?

Mr. BRITTEN. The bill now before us will make the inspection law apply to all fleet reservists alike.

Mr. SCHAFER. Reserving the right to object—and I believe I shall object—on page 2, line 7, it provides:

Provided further, That transferred members of the Fleet Naval Reserve found not physically qualified on reporting for inspection in accordance with this section shall be transferred to the retired list of the regular Navy, with the pay they are then receiving, and upon the completion of 30 years' service, including naval service, time in the Fleet Naval Reserve, and time on the retired list of the Navy, they shall receive the allowances to which enlisted men of the regular Navy are entitled on retirement after 30 years' service.

Mr. BRITTEN. That is a copy of the present law as affecting those reserves who were enrolled after July 1, 1925.

Mr. SCHAFER. Are you going to have a number of men receiving compensation that they would not receive if it was not for this provision?

Mr. BRITTEN. No; this does not change their present compensation, but it does provide for examination of all fleet reservists who have come out of the regular service.

Mr. SCHAFER. If they call one of these men in for examination and find that he is disabled and place him on the retired list, will he receive any additional compensation?

Mr. BRITTEN. Not a penny; and for this reason: He gets the same pay in retirement that he now gets as a fleet reservist. He is simply taken off the reserve rolls and placed on the retirement list. The reserve rolls should not be incumbered with men physically unqualified for service in an emergency, and that really is the reason for this legislation.

Mr. SCHAFER. The committee report indicates that this bill will cost about \$75,000 annually. Most of this amount will be expended for medical examinations and transportation to places where such examinations will be made. Would there not be a considerable saving if the Pension Bureau examiners, the United States Compensation Commission examiners, the Veterans' Bureau examiners, and other Government examiners could conduct the medical examinations? It would result in a great saving in transportation cost to the Government.

Mr. BRITTEN. Let me suggest that there are some 5,900 men affected by this legislation. If all of them were called in for inspection, it would cost about \$12.50 each for transportation and examination and everything else, and the amount would reach \$74,000.

Mr. SCHAFER. If you have a man living in the West, a good many miles from where one of these Navy medical officers is stationed, you are going to have a saving if the Pension Bureau examiner or the Veterans' Bureau examiner conducts the medical examination.

Mr. BRITTEN. I agree with the gentleman, and if it can be determined by the department that he is of good physical character, they may not require him to travel a great distance for inspection.

Mr. SCHAFER. Why not amend the bill so that the Pension Bureau examiner, the Veterans' Bureau examiner, and other Government examiners can conduct the medical examinations?

Mr. BRITTEN. That could not well be done because the pension examiners do not now examine for the Army or the Navy or the Marine Corps or the Coast Guard.

Mr. SCHAFER. The administration that is coming in on the 4th of March is in favor of the consolidation of Government agencies. If this could be done, it would save the taxpayers many thousands of dollars.

Mr. BRITTEN. I hope there will be no objection to this bill.

Mr. SCHAFER. If in the future when we are considering legislation to consolidate the activities of the Government and find that we can save this money the gentleman would not object to it, would he?

Mr. BRITTEN. Certainly not.

Mr. LAGUARDIA. This does not appropriate. This must go before the Committee on Appropriations.

The SPEAKER pro tempore (Mr. SNELL). Is there objection?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That section 24 of the act approved February 28, 1925 (43 Stat. 1087, U. S. C. title 34, sec. 785), entitled "An act to provide for the creation, organization, administration, and maintenance of a Naval Reserve and a Marine Corps Reserve," be, and the same is hereby, amended by changing the period at the end of said section to a colon and by adding thereto the following proviso: "Provided further, That any pay which may be due any member of the Fleet Naval Reserve, transferred thereto prior to July 1, 1925, shall be forfeited when so ordered by the Secretary of the Navy upon the failure, under such conditions as may be prescribed by the Secretary of the Navy, of such member to report for inspection: *Provided further,* That transferred members of the Fleet Naval Reserve found not physically qualified on reporting for inspection in accordance with this section, shall be transferred to the retired list of the regular Navy, with the pay they are then receiving, and upon the completion of 30 years' service, including naval service, time in the Fleet Naval Reserve, and time on the retired list of the Navy, they shall receive the allowances to which enlisted men of the regular Navy are entitled on retirement after 30 years' service," so that said section will read as follows:

"All enlisted men who heretofore have been transferred from the regular Navy to the Fleet Naval Reserve established by the act of August 29, 1916, and who by section 1 of this act are transferred to the

Fleet Naval Reserve herein created, shall receive the rate of pay they were legally entitled to receive in the Naval Reserve Force: *Provided,* That such enlisted men so transferred to the Fleet Naval Reserve herein created shall, upon completing 30 years' service, including naval service and time in the Fleet Naval Reserve of the Naval Reserve Force and in the Fleet Naval Reserve herein created, be transferred to the retired list of the regular Navy with the pay they were then legally entitled to receive, plus the allowances to which enlisted men of the regular Navy are entitled on retirement after 30 years' naval service: *Provided further,* That any pay which may be due any member of the Fleet Naval Reserve, transferred thereto prior to July 1, 1925, shall be forfeited when so ordered by the Secretary of the Navy upon the failure, under such conditions as may be prescribed by the Secretary of the Navy, of such member to report for inspection: *Provided further,* That transferred members of the Fleet Naval Reserve found not physically qualified on reporting for inspection in accordance with this section, shall be transferred to the retired list of the regular Navy, with the pay they are then receiving, and upon the completion of 30 years' service, including naval service, time in the Fleet Naval Reserve, and time on the retired list of the Navy, they shall receive the allowances to which enlisted men of the regular Navy are entitled on retirement after 30 years' service."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

#### CHRISTOPHER COLUMBUS MEMORIAL LIGHTHOUSE

The next business on the Consent Calendar was the joint resolution (H. J. Res. 354) authorizing the appropriation of the sum of \$871,655 as the contribution of the United States toward the Christopher Columbus Memorial Lighthouse at Santo Domingo.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the present consideration of the joint resolution?

Mr. BLACK of Texas. Mr. Speaker, reserving the right to object, this would seek to appropriate nearly a million dollars for construction outside of the United States, and I feel constrained to object.

Mr. LAGUARDIA. I hope the gentleman will not object.

Mr. PORTER. Mr. Speaker, will the gentleman withhold his objection for a brief explanation?

Mr. BLACK of Texas. Yes.

Mr. PORTER. Mr. Speaker, this resolution has the approval of the President, of the Secretary of State, and of the Director General of the Pan American Union. The matter arises in this way: At the Pan American conference held in Santiago, Chile, in 1923, in which our Government participated, the following resolution was agreed to:

To recommend that the Governments of the American Republics honor the memory of Christopher Columbus, discoverer of America, by the erection of a monumental lighthouse which will bear his name, on the coast at Santo Domingo, capital of the Dominican Republic, and which shall be built with the cooperation of the Governments and people of America and any others who may so desire.

Later on, on December 10, 1926, the Congress of the United States approved the project by the following resolution:

That it is the sense of the Congress that the United States approves the international project advocated at the Pan American conference, held at Santiago de Chile, April, 1924 (1923) to erect a memorial lighthouse at Santo Domingo, Dominican Republic, to Christopher Columbus, and that the several States participating in that conference be notified through the usual diplomatic channels of the desire of the people of the United States to participate in this movement to honor the memory of the great navigator and discoverer.

Our contribution to the building fund is on the same basis as our contributions to the Pan American Union. It is based on population. The population of the United States is slightly in excess of the population of the other Americas combined. The project, it is estimated, will cost about \$4,000,000, \$1,500,000 to be contributed by the Republics of the Western Hemisphere. I am informed that Spain and Italy may also contribute. The balance of the two and a half million dollars is to be raised by public subscription in the respective countries.

Mr. BLACK of Texas. I think there is no hurry about this project. Some gentlemen have spoken to me asking that at least it go over for further investigation. I shall not object at this time if the gentleman is willing to leave it on the calendar and pass it over without prejudice. If the gentleman desires, I shall make that request; otherwise I shall object.

Mr. PORTER. Delay would be embarrassing. The Dominican Republic has organized the commission. There is to be an exposition at Seville, Spain, in August next, where the plans are to be submitted and the awards made. Cuba has already



indicated a willingness to contribute, also one other South American country. I would regret very much to see it go over.

Mr. BLACK of Texas. The United States does honor the great discoverer and has honored him in numerous ways everywhere. There are some Members who question the propriety of appropriating a million dollars toward building a lighthouse to be located in the Dominican Republic. Unless the gentleman is willing that it go over without prejudice, I shall make objection.

Mr. PORTER. Does not the gentleman consider that this resolution of the Congress in which we urge the building of this lighthouse places our Government under a moral obligation to make our fair contribution toward the project?

Mr. BLACK of Texas. No. I do not think there is either a moral or a legal obligation. Mr. Speaker, I ask unanimous consent that the joint resolution go over without prejudice.

The SPEAKER pro tempore. Is there objection?

Mr. LAGUARDIA. Mr. Speaker, I think this should be considered at this time, and I object to the postponement of the resolution.

SEVERAL MEMBERS. Regular order!

The SPEAKER pro tempore. The regular order is demanded. Is there objection to the present consideration of this joint resolution?

Mr. BLACK of Texas. Mr. Speaker, I object.

#### INTERNATIONAL CONGRESS ON SANITARY AVIATION

The next business on the Consent Calendar was the joint resolution (H. J. Res. 384) to provide for the expenses of delegates of the United States to the First International Congress on Sanitary Aviation, to be held at Paris, France.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the present consideration of the joint resolution?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, this resolution refers to a congress on sanitary aviation. Is not that a mistake? Is not this really a conference on non-combatant aviation? Some one I feel has perhaps translated literally. The phrase "sanitary aviation" conveys nothing, and has no meaning at all. From the meager information contained in the report, I gather that it is a conference on the use of aviation in war which it noncombatant. I may be wrong, I do not know.

Mr. PORTER. Mr. Speaker, I think the gentleman has been misinformed; my information is from the State Department. The conference will consider sanitary aviation in the colonies, sanitary aviation, a means of evacuation in time of war, sanitary hydroaviation, Red Cross and sanitary aviation, and the possibility of neutralization of machines flying within the lines in time of war, medicine and aviation, aerial physiology, and sanitary aviation in time of peace as a help to civil population.

This bill is recommended by the President and Secretary of State, and there is involved an appropriation of only \$1,000. The bill was introduced by our colleague, Mr. MAAS, who is ill in a hospital.

Mr. LAGUARDIA. All I desire is the definition of what is sanitary aviation.

Mr. HUDSON. This is a bill introduced by Mr. MAAS, who is a great aviator himself.

Mr. LAGUARDIA. I understand that, but I think the translation is poor.

Mr. HUDSON. The definition contained in the title is the work of France, not of this country. It is an invitation from France.

Mr. LAGUARDIA. I think what it really means is noncombatant aviation.

Mr. HUDSON. Perhaps it is.

Mr. COLE of Iowa. We could not make it out, quite.

Mr. LAGUARDIA. Inasmuch as the information given by the gentleman from Pennsylvania [Mr. PORTER] is so enlightening, I do not desire to object.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

*Resolved, etc.,* That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$1,000 for the expenses of delegates of the United States to be appointed by the President to the First International Congress on Sanitary Aviation, to be held at Paris, France, in 1929, including compensation of employees, transportation, subsistence or per diem in lieu of subsistence (notwithstanding the provisions of any other act), printing of reports, contract stenographic reporting services, official cards, and such other expenses as the President may deem necessary.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

#### AMENDING TRANSPORTATION ACT

The next business on the Consent Calendar was the bill (S. 3723) to amend and reenact subdivision (a) section 209 of the transportation act, 1920.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SCHAFER. I object.

#### CODE OF LAWS OF THE UNITED STATES AND THE DISTRICT OF COLUMBIA

The next business on the Consent Calendar was the joint resolution (H. J. Res. 368) providing more economical and improved methods for the publication and distribution of the Code of Laws of the United States and of the District of Columbia, and supplements.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the present consideration of the joint resolution? [After a pause.] The Chair hears none.

Mr. CRAMTON. Mr. Speaker, unless some one really desires to hear it, I ask unanimous consent that the joint resolution be considered as read.

The SPEAKER pro tempore. And printed in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

*Resolved, etc.,* That in order to avoid duplication and waste—

(a) Publication of Supplement I to the Code of Laws of the United States (Public, No. 621, 70th Cong.) as a part of the Statutes at Large is dispensed with;

(b) Publication in slip or pamphlet form or in the Statutes at Large of any of the volumes or publications enumerated in the act of May 29, 1928 (45 Stat. 1007), as amended by this resolution, shall, in event of enactment, be dispensed with whenever the Committee on Revision of the Laws of the House of Representatives so directs the Secretary of State;

(c) Curtailment of the number provided by law to be printed and distributed of the volumes or publications enumerated in such act of May 29, 1928, as amended by this resolution, may be directed by such committee, except that the Public Printer shall print such numbers as are necessary for depository library distribution and for sale; and

(d) Such committee may direct that the printing and distribution of any supplement to the Code of Laws of the United States or to the Code of Laws relating to the District of Columbia be dispensed with entirely, except that there shall be printed and distributed for each Congress at least one supplement to each such code, containing the legislation of such Congress.

Sec. 2. Section 2 of such act of May 25, 1928, is amended to read as follows:

"Sec. 2. There shall be prepared and published under the supervision of the Committee on Revision of the Laws of the House of Representatives—

"(a) A supplement for each session of the Congress to the then current edition of the Code of Laws of the United States, cumulatively embracing the legislation of the then current supplement, and correcting errors in such edition and supplement;

"(b) A supplement for each session of the Congress to the then current edition of the Code of Laws relating to the District of Columbia, cumulatively embracing the legislation of the then current supplement, and correcting errors in such edition and supplement;

"(c) New editions of the Code of Laws of the United States and of the Code of Laws relating to the District of Columbia, correcting errors and incorporating the then current supplement. In the case of each code new editions shall not be published oftener than once in each five years. Copies of each such edition shall be distributed in the same manner as provided in the case of supplements to the code of which it is a new edition. Supplements published after any new edition shall not contain the legislation of supplements published before such new edition."

Sec. 3. Section 4 of such act of May 29, 1928, is amended to read as follows:

"Sec. 4. In all courts, tribunals, and public offices of the United States, at home or abroad, of the District of Columbia, and of each State, Territory, or insular possession of the United States—

"(a) The matter set forth in the edition of the Code of Laws of the United States current at any time shall, together with the then correct supplement, if any, establish prima facie the laws of the United States, general and permanent in their nature, in force on the day preceding the commencement of the session following the last session the legislation of which is included.

"(b) The matter set forth in the edition of the Code of Laws relating to the District of Columbia current at any time shall, together with the then current supplement, if any, establish prima facie the laws, general and permanent in their nature, relating to or in force in the District

of Columbia on the day preceding the commencement of the session following the last session the legislation of which is included, except such laws as are of application in the District of Columbia by reason of being laws of the United States general and permanent in their nature.

"(c) Supplements to the Code of Laws of the United States and to the Code of Laws, relating to the District of Columbia may be cited, respectively, as 'U. S. C., Sup.' and 'D. C. Code, Sup.', the blank in each case being filled with Roman figures denoting the number of the supplement.

"(d) New editions of each of such codes may be cited, respectively, as 'U. S. C., ed.' and 'D. C. Code, ed.', the blank in each case being filled with figures denoting the last year the legislation of which is included in whole or in part."

SEC. 4. The publications provided for in such act of May 29, 1928, as amended by this resolution, shall be printed at the Government Printing Office, and shall be in such form and style and with such ancillaries as may be prescribed by the Committee on Revision of the Laws of the House of Representatives. The Librarian of Congress is directed to cooperate with such committee in the preparation of such ancillaries. Such publications shall be furnished with such thumb insets and other devices to distinguish parts, with such facilities for the insertion of additional matter, and with such explanatory and advertising slips, and shall be printed on such paper and bound in such material, as may be prescribed by such committee.

SEC. 5. All bills and resolutions referred to or reported by the Committee on Revision of the Laws of the House of Representatives shall be printed in such form and style, and with such ancillaries, as such committee may prescribe as being economical and suitable, to so continue until final enactment thereof in both Houses of Congress; and such committee may also curtail the number of copies of such bills to be printed in the various parliamentary stages in the House of Representatives.

SEC. 6. The Public Printer is directed to print, in addition to the number provided by existing law, and, as soon as printed, to distribute in such manner as the Committee on Revision of the Laws of the House of Representatives shall determine, 20 copies in slip form of each public act and joint resolution, beginning with the second session of the Seventieth Congress.

SEC. 7. The functions vested by this resolution in the Committee on Revision of the Laws of the House of Representatives may from time to time be vested in such other agency as the Congress may by concurrent resolution provide.

The House joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the joint resolution was passed was laid on the table.

#### MILITARY POSTS IN PORTO RICO

The next business on the Consent Calendar was the bill (H. R. 16502) to authorize appropriations for construction at military posts in Porto Rico, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. This is a pretty big item for the Consent Calendar, which carries an item of several hundred thousand dollars of appropriation.

Mr. BLACK of Texas. Mr. Speaker, this bill authorizes the appropriation of nearly a million and a half dollars, and I think it too important to be considered at this time, and I object.

The SPEAKER pro tempore. Objection is heard.

#### ACCEPTANCE OF GIFT OF BRONZE TABLETS FROM WOMAN'S RELIEF CORPS

The next business on the Consent Calendar was the bill (H. R. 15330) authorizing the acceptance by the United States Government, from the Woman's Relief Corps, auxiliary to the Grand Army of the Republic, of proposed gift of bronze tablets to be placed in Andersonville National Cemetery in Georgia.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

*Be it enacted, etc.,* That the Secretary of War be, and he is hereby, authorized and directed to accept from the Woman's Relief Corps, auxiliary to the Grand Army of the Republic, a gift of bronze tablets, containing Lincoln's Gettysburg Address, and Logan's Memorial Day Order No. 11, to be placed on the grounds of the Andersonville National Cemetery in the State of Georgia, all expenses incident to the erection to be paid by the Woman's Relief Corps.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next bill.

#### IRRIGATION DAM ON THE GREYBULL RIVER, WYO.

The next business on the Consent Calendar was the bill (H. R. 10308) to investigate and determine the feasibility of the construction of an irrigation dam on the Greybull River, Wyo.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SCHAFER, Mr. BLACK of Texas, and Mr. LAGUARDIA objected.

The SPEAKER pro tempore. Three objections are heard. The Clerk will report the next bill.

#### IRRIGATION DAM ON THE BEAR RIVER, WYO.

The next business on the Consent Calendar was the bill (H. R. 10309) to investigate and determine the feasibility of the construction of an irrigation dam on the Bear River, Wyo.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON, Mr. SCHAFER, and Mr. BLACK of Texas objected.

The SPEAKER pro tempore. The gentlemen from Michigan, Wisconsin, and Texas object. The Clerk will report the next bill.

#### PROTECTION AND DEVELOPMENT OF THE UMATILLA RAPIDS, IN THE COLUMBIA RIVER

The next business on the Consent Calendar was the bill (H. R. 306) to provide for the protection and development of the Umatilla Rapids in the Columbia River.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON, Mr. SCHAFER, and Mr. BLACK of Texas objected.

The SPEAKER pro tempore. The gentleman from Michigan, the gentleman from Wisconsin, and the gentleman from Texas object. The Clerk will report the next bill.

#### RELIEF OF THE STATE OF MAINE

The next business on the Consent Calendar was the bill (H. R. 10664) for the relief of the State of Maine.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Reserving the right to object, Mr. Speaker, we have a report here in which the Navy Department approves of this bill very heartily, but the Bureau of the Budget does not agree with the Navy Department. Can the gentleman from Maine [Mr. BEEDY] enlighten us on this or give us some information?

Mr. BEEDY. If the gentleman from New York will note the date of the letter from the Navy Department, February 20, 1928, he will see that Admiral Gregory, under whose jurisdiction this particular project came and who was familiar with it, approved it. Subsequent to that time it went to the Bureau of the Budget, and the Bureau of the Budget disapproved it; whereupon the Secretary of the Navy on March 17, 1928, felt obliged to fall in line with the Budget. When this proposed legislation came before the Committee on Naval Affairs the committee thought it was equitable and sound, since the original act provided that the Federal Government should "aid in the construction" of the bridge, and an appropriation of \$500,000 for that purpose was made, all of which was not used because the bridge, at the solicitation of the Federal Government, was placed on the river for the accommodation of a navy yard at a point which narrowed the portion which the Federal Government was to build over the channel and left there an uncompleted bridge. At the same time the State of Maine and the State of New Hampshire were obliged to spend all and more than \$500,000.

Mr. LAGUARDIA. Six hundred and sixty-five thousand dollars had been expended by the Federal Government?

Mr. BEEDY. Yes; and the State of Maine and the State of New Hampshire had to go into their own pockets to complete the bridge. They thus expended in the neighborhood of \$365,000 each, in addition to the original appropriation. It was thought that if the States of Maine and New Hampshire had come to the Congress when the bridge was half finished, and instead of permitting the cost of the bridge to rest wholly on the shoulders of the States of Maine and New Hampshire should have asked



for Federal money to complete the bridge, they would have gotten it.

Mr. CRAMTON. Mr. Speaker, will the gentleman yield?

Mr. BEEDY. Yes.

Mr. CRAMTON. I have not had the opportunity to study the bill, but I notice the statement of the Secretary of the Navy that the bill had been referred to the Bureau of the Budget for information as to the cost of the bridge, with the statement that the Navy Department contemplated recommending the enactment of the proposed legislation, and that the Bureau of the Budget stated that it was in conflict with the policy of the Bureau of the Budget.

Now, that kind of a report submitted to the Congress by the Bureau of the Budget is merely a subterfuge; and if the Executive head of the Government wants to let the heads of departments send up that kind of subterfuge reports, you might as well quit referring to the Budget. That will break down the Budget system if the departments are allowed to resort to that kind of funny work.

Mr. LAGUARDIA. What assurance do we have that the States will not follow this up and ask for further appropriations?

Mr. HALE. The Government has already furnished money to build the New Hampshire approach to the bridge.

Mr. LAGUARDIA. No further money will be asked for unexpected expenditures either by the State of New Hampshire or the city of Portsmouth or the great State of Maine?

Mr. HALE. Not from the State of New Hampshire.

Mr. BEEDY. No; nor from the State of Maine.

Mr. BLANTON. The title to this bridge when finished will rest where? Will it be in the State of Maine?

Mr. BEEDY. It connects a Federal road on the one side of the river with a Federal road on the other side.

Mr. BLANTON. It is a free bridge?

Mr. BEEDY. Yes; it is a free bridge.

Mr. BLANTON. And the title to it is where?

Mr. BEEDY. I suppose it will be in the two States.

Mr. BLANTON. It will be in Maine and New Hampshire?

Mr. BEEDY. I suppose that is true.

Mr. BLANTON. Why should we depart from the usual rule with respect to building bridges when the Federal aid should come from our good-roads fund, not from Congress direct, as applies to all the other States of the Union? Why should we depart from that rule as to Maine and New Hampshire?

Mr. BEEDY. The only reason I can think of, I will say to the gentleman from Texas, is that the Federal Government wanted this bridge built to accommodate a United States navy yard.

Mr. BLANTON. There is a bridge between Washington and Texas—either in Tennessee or Arkansas; I have forgotten which; and over which I pass every year—that takes in annually from the people more than the bridge cost. There ought to be a Federal bridge built there. It ought to be built from good-roads funds; it should come from that appropriation; and there is no attempt to have the funds come directly from Congress to relieve that situation. I can not see how the gentleman from Maine is going to get away with this proposition of coming to Congress continually for this kind of an enterprise when it ought to be built through some other department. This is such a departure from the rule and custom we have had for a number of years that I do not see why such a precedent should be set.

Mr. BEEDY. Does the gentleman understand that I am not asking for an appropriation?

Mr. BLANTON. But the amount carried in the bill is \$35,000.

Mr. BEEDY. Legislation has already been passed which appropriated this \$35,000.

Mr. BLANTON. But you can not spend it without this bill?

Mr. BEEDY. No.

Mr. BLANTON. You need this bill in order to spend that \$35,000?

Mr. BEEDY. It is appropriated, but it can not be put to any use, because Maine and New Hampshire finished the bridge, while the Federal Government has an unexpended balance of \$35,000 which was originally to be used in the erection of the bridge.

Mr. BLANTON. After what the gentleman from Michigan, the watchdog of the Treasury, had to say about the subterfuge reports of the gentleman's departments, and if he is going to let this bill go by, I am not going to stand in the way of the gentleman from Maine. I am not going to block the bill. If the gentleman from Michigan [Mr. CRAMTON] knows it is a subterfuge report, and he sits in his place and lets it pass, I will not stand in the way but will let the burden rest on his shoulders and on the shoulders of his Republican administration.

The SPEAKER pro tempore. Is there objection?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, the principal function of the minority is to obstruct and object, and hence I refuse to accept the responsibility that the gentleman from Texas should accept himself.

Mr. BLANTON. No; the gentleman is now a confederate in spending the money of the people.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the State of Maine an amount equal to the unexpended balance of appropriations made by Congress to aid in the construction of a bridge between Kittery, Me., and Portsmouth, N. H., remaining unexpended upon final settlement of contracts made by the United States for the construction of such bridge; but the total payments under this act shall not exceed \$35,000.

With the following committee amendments:

Page 1, line 5, strike out the words "to the State of Maine."

Page 2, line 1, after the word "bridge," strike out the semicolon, insert a comma, and add the following: "one-half to the State of Maine and one-half to the city of Portsmouth, N. H."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended.

#### WAR MINERALS ACT

The next business on the Consent Calendar was the bill (H. R. 15861) to amend section 5 of an act approved March 2, 1919, known as the war minerals act.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, I object; a similar Senate bill having been passed.

The SPEAKER pro tempore. Has the same bill passed once before?

Mr. CRAMTON. A Senate bill has been passed.

Mr. BLACK of Texas. Mr. Speaker, should not a motion be made to lay the House bill on the table?

The SPEAKER pro tempore. Without objection, House bill 15861 will be laid on the table.

There was no objection.

#### GOVERNMENT TOWN SITES ON IRRIGATION PROJECTS

The next business on the Consent Calendar was the bill (H. R. 16082) to authorize the disposition of unplatted portions of Government town sites on irrigation projects under the reclamation act of June 17, 1902, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, I do not object to the bill but feel that the suggestion of the department should be complied with as to the form of section 2. If the gentleman will accept an amendment to that effect, I would have no objection to the bill.

Mr. LEAVITT. If the gentleman insists on that we would, of course, have to accept it, but I hope the gentleman will not insist. The fact of the matter is that town sites have been disposed of and the funds allotted, just as is provided in the bill as it now stands, as late as last December. The bill in the form in which it was passed through the committee is in the exact form in which it was prepared in the department after a conference with the water users.

Mr. CRAMTON. The gentleman understands that under the Smith readjustment bill a large sum of Government cost was wiped off the slate, and at best the Government will never play even on this project. The department suggests that this should operate to recoup the Government, and although the matter has been presented to them again since the letter was written to the department on June 23 the department still maintains its position and seems to me to be justified in doing so. Accordingly I would be obliged to insist on the amendment.

Mr. LEAVITT. Of course, if the gentleman insists, in spite of the fact that in my judgment the act of December 5, 1924, requires the allotment in the manner provided in the bill as it now stands, and certainly, on the Huntley project from which this legislation originated, their contract of January 2, 1927, calls for the same thing, and credit for the sale of town-site land has been given on that project as late as December, 1928, for

lots sold at a public sale held in November, 1928. This amendment is an afterthought on the part of the department and steps in on something without checking back on the law and the contract that exists and under which an allocation of these sales proceeds have previously been made.

It seems to me the bill should pass in the form in which it now stands, without question, in view of the law and in view of the contract. I hope the gentleman will not object, because this form of bill was agreed to by the department, and in fact was drawn in the department, and then when it was sent back to them for report somebody had this afterthought, surely, in my judgment, without considering the contract with the project or the law of 1924.

Mr. CRAMTON. If the gentleman would rather have it go over to-day without prejudice and present that aspect of it to the department that would be all right. I do not understand that there is a contract in existence that requires this, but I do know that a part of the expense of the Government in the construction of this project has been wiped off the slate and the charges adjusted to what was thought to be fair to the remaining landowners. Now, to take the proceeds of these town lots and further reduce their charges is not anything that they have a right to insist on in equity, and is something that the Government is entitled to receive as a matter of equity.

Mr. LEAVITT. Of course, if the gentleman insists in spite of the fact that in my judgment the contract on this project calls for the allocation, as this bill provides, and that payments of this kind have previously been made, I will have to accept the amendment, but entirely in the hope we can clear the matter up when it goes into conference, and that eventually we will be able to get the bill through in the present proper form.

Mr. CRAMTON. I have read the considerable correspondence about this with the department and there is no mention of any contract provision.

Mr. LEAVITT. I am presenting the position as it is understood by the commissioners of the irrigation district and as they have stated it, giving the names of the acts and the date of the contract, and so on. I will accept the amendment, under protest, in the hope meanwhile we can clear this matter up, and it will be easy to stop it later on.

Mr. CRAMTON. I think that is the best way. The Commissioner of Reclamation says that the amount involved will probably be comparatively insignificant, but some importance attaches to the principle involved. I think the course that the gentleman suggests would be quite desirable.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior is hereby authorized, in his discretion, to appraise, and sell, at public auction, to the highest bidder, from time to time, for cash, any or all of the unplatted portions of Government town sites created under the act of April 16, 1906 (34 Stat. p. 116), on any irrigation project constructed under the act of June 17, 1902 (32 Stat. p. 388), or acts amendatory thereof or supplementary thereto: *Provided,* That any land so offered for sale and not disposed of may afterwards be sold, at not less than the appraised value, at private sale, under such regulations as the Secretary of the Interior may prescribe. Patents made in pursuance of such sale shall convey all the right, title, and interest of the United States in or to the land so sold.

SEC. 2. The net proceeds of such sales after deducting all expenditures on account of such lands, and the project construction charge, for the irrigable area of the lands so sold where irrigation or drainage works have been constructed or are proposed to be constructed, shall be disposed of as provided in Subsection I of section 4 of the act of December 5, 1924 (43 Stat. p. 672). Where the project construction charge shall not have been fixed at the date of any such sale, same shall be estimated by the Secretary of the Interior.

SEC. 3. Reclamation funds are authorized to be appropriated for use in defraying the necessary expenses of appraisal and sale of the lands herein authorized to be sold, and the Secretary of the Interior is authorized to perform any and all acts and to make such rules and regulations as, in his opinion, may be necessary and proper for carrying out the purposes of this act.

Mr. CRAMTON. Mr. Speaker, I offer an amendment as a substitute for section 2 of the bill.

The SPEAKER pro tempore. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: On page 2, after line 6, strike out all of section 2 and insert in lieu thereof the following:

"SEC. 2. The net proceeds of such sales after deducting all expenditures on account of such lands, and the project construction charge, for the irrigable area of the land so sold, where irrigation or drainage

works have been constructed or proposed to be constructed, shall be covered into the reclamation fund to recoup to that extent the losses sustained by reason of the charges remitted under the act of May 25, 1926 (54 Stat. 636). Where the project construction charge shall not have been fixed at the date of any such sale same shall be estimated by the Secretary of the Interior."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

#### AMERICAN NATIONAL RED CROSS

The next business on the Consent Calendar was the resolution (H. J. Res. 392) to provide for the erection on Government land of a permanent building for the use of the American National Red Cross.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the present consideration of the joint resolution?

Mr. SCHAFER. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

Mr. LUCE. Mr. Speaker, reserving the right to object, will the gentleman tell me what is the question he has in mind?

Mr. SCHAFER. My objection is that it is appropriating \$350,000 of the people's money as a contribution to the proposed new Red Cross building, and I am absolutely opposed to that expenditure.

Mr. LUCE. Manifestly, Mr. Speaker, the chairman of the Committee on the Library can not meet that statement.

Mr. HUDSON. Reserving the right to object, Mr. Speaker, I want to call the attention of the gentleman from Wisconsin to the fact that this is a bill that permits the United States to receive a contribution of \$350,000 from other people for a building which the United States will own and control.

Mr. SCHAFER. In answer to the gentleman's statement, I will say that in my judgment we are not justified in expending \$350,000 out of the Federal Treasury to erect a building for the American Red Cross any more than we are for the Salvation Army, the Knights of Columbus, the Young Women's Christian Association, the American Legion, or any other similar organization.

Mr. HUDSON. The gentleman is mistaken.

Mr. LA GUARDIA. I think the sphere of action of the Red Cross is quasi-governmental and has always been recognized as such.

Mr. HUDSON. And the building is to remain the property of the Government.

Mr. LUCE. Further reserving the right to object, I want to remind the gentleman that the president of the Red Cross is the President of the United States; that all the property occupied by the Red Cross is the property of the United States. The grounds and the buildings thereon belong to the United States. To the building now under construction the Nation has contributed just as is here again proposed. This is the people's money that is in question, but it is also the people's charity. It is the organized force to dispense the philanthropy of the United States. Through this medium the people gladly and cheerfully take care of the needs brought by the great calamities that result from what we call the act of God. There is no quasi-public function that is more noble, that is more deserving the support of the Government than this right arm to dispense the aid of the people.

If the gentleman desires to delay the matter, that is his right. I regret that any Member of the House should find motives for objecting to this contribution that would even seem to be inconsistent with the high status of this agency of the people for the distribution of their bounty. [Applause.]

The SPEAKER pro tempore. Is there objection to the bill going over without prejudice?

Mr. BLANTON. I object.

Mr. SCHAFER. And I object to the consideration of the bill.

#### SALE OF POWER ON GRAND VALLEY RECLAMATION PROJECTS

The next business on the Consent Calendar was the bill (H. R. 14674) authorizing the sale of surplus power developed under the Grand Valley reclamation project, Colorado.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. SCHAFER. I object.

Mr. SMITH. Will the gentleman reserve his objection?

Mr. SCHAFER. I will withhold the objection, but I shall object, because I am not in favor of giving the Power Trust any more rights under unanimous consent.

Mr. SMITH. If the gentleman please, this is just the opposite. It permits the water users to manufacture and sell power for their own benefit. The Power Trust has nothing to do with it.



Mr. SCHAFFER. Under this bill will they be permitted to sell the right to develop the power to power companies?

Mr. SMITH. They may sell it to an individual or company for their own benefit.

Mr. LAGUARDIA. I want to say that I looked into this matter with the same mind as the gentleman from Wisconsin seems to have, but I think the statement of the gentleman from Idaho can be relied on.

Mr. SCHAFFER. Mr. Speaker, in view of the statements of the gentleman from Idaho and the gentleman from New York, I withdraw my objection.

Mr. MORROW. Reserving the right to object, what river is this?

Mr. TAYLOR of Colorado. This is the Grand Valley reclamation project. Mr. Speaker, I ask unanimous consent to substitute the Senate bill for the House bill, a similar Senate bill being on the calendar.

The SPEAKER pro tempore. The Clerk will read the Senate bill.

The Clerk read S. 4710, as follows:

*Be it enacted, etc.,* That whenever a development of power is necessary for the irrigation of lands under the Grand Valley reclamation project, Colorado, or an opportunity is afforded for the development of power under said project, the Grand Valley Water Users' Association, with the approval of the Secretary of the Interior, is authorized to enter into a contract or contracts for a period of not exceeding 25 years for the sale or development of any surplus power or power privileges in said Grand Valley reclamation project, Colorado.

Mr. TAYLOR of Colorado. Mr. Speaker, I offer the following amendment, which was prepared by the Interior Department.

The Clerk read as follows:

After the word "Colorado," at the end of the bill, add the following: "Provided, That if the Secretary of the Interior shall determine the construction and operation of the power canal or canals or any other feature connected therewith will result in seepage or other damage to irrigated lands, he is authorized and directed to include in such contract or contracts provisions and conditions necessary for the prevention of such loss or damage, or to approve agreements between the parties in interest with respect thereto."

The amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

The House bill was laid on the table.

#### NATIONAL DEFENSE ACT

The next business on the Consent Calendar was the bill (H. R. 450) to amend section 5a of the national defense act, approved June 4, 1920, providing for placing educational orders for equipment, etc., and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, I object.

#### FOREIGN SERVICE BUILDINGS ACT

The next business on the Consent Calendar was the bill (H. R. 15735) to amend the Foreign Service buildings act, 1926, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLACK of Texas. Mr. Speaker, reserving the right to object, is not this the bill that was defeated under suspension of the rules on last consent day?

Mr. LAGUARDIA. Yes. What is this bill doing on the calendar?

Mr. BLACK of Texas. In view of the fact that it was defeated by the House under suspension of rules, I object to its consideration.

Mr. LAGUARDIA. Mr. Speaker, is this bill properly on the calendar? It was on the calendar last consent day. The Speaker recognized the gentleman from Pennsylvania [Mr. PORTER] to suspend the rules and pass the bill. That motion was defeated. That being so, it is tantamount to an objection on the part of the House. Should it be on the Consent Calendar at this point?

The SPEAKER pro tempore. As a matter of fact, when a motion to suspend the rules and pass a bill is defeated, the bill keeps its place on the calendar just the same.

Mr. LAGUARDIA. Then, Mr. Speaker, I ask unanimous consent to insert in the RECORD at this point a letter from the Secretary of War in opposition to the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLACK of Texas. I object.

Mr. LAGUARDIA. I object, and ask unanimous consent to insert this letter at this time.

Mr. O'CONNELL. Mr. Speaker, reserving the right to object, what is the letter? The bill comes from our committee and I would like to know something about it.

Mr. LAGUARDIA. I will show the letter to the gentleman.

Mr. O'CONNELL (after examining the letter). Mr. Speaker, I have no objection to the letter being inserted.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York [Mr. LAGUARDIA] to insert the letter at this point?

There was no objection.

Mr. LAGUARDIA. The following is a copy of section 1223 of the Revised Statutes:

Any officer of the Army who accepts or holds any appointment in the Diplomatic or Consular Service of the Government shall be considered as having resigned his place in the Army and it shall be filled as a vacancy.

The letter referred to is as follows:

WAR DEPARTMENT,  
Washington, D. C., February 16, 1929.

Hon. JOHN M. MORIN,

Chairman Committee on Military Affairs,  
House of Representatives.

DEAR MR. MORIN: In compliance with your request of February 8, 1929, I am pleased to submit the following views on H. R. 15735, "To amend the Foreign Service buildings act, 1926, as amended."

The purpose of the proposed legislation is to authorize the President, at the request of the Foreign Service Buildings Commission, "to detail such officers, warrant officers, and enlisted men of the Army and the Navy, as in his judgment may be necessary, to the Department of State for duty in connection with the exercise of functions under the provisions of this act, the number so detailed not to exceed 10 on any one project." Provision is then made under sections 10 and 11 of the bill insuring that any military personnel on such detail shall receive their usual pay and allowances and be entitled to compute the periods spent on such service for longevity and retirement in the customary manner. These sections of the bill, in the opinion of the War Department, are adequate to protect the pay, allowances, and longevity service of Army personnel, should they be assigned to duty by the President under the proposed act.

In regard to the probable effect of the proposed legislation, as a whole, very careful study shows that it could hardly fail to prove extremely embarrassing to the War Department in the execution of the duties now required by the national defense act of June 4, 1920, as amended.

It seems to me that the detail of personnel from the Military Establishment to the duty required by the proposed legislation must rest upon two assumptions:

First. That the Government must rely upon the services of military personnel to secure the satisfactory execution of its contracts or construction projects undertaken abroad by the Foreign Service buildings commission, and that by the passage of the act "expert technical personnel will be made immediately available for Government service at a minimum of expense."

Second. That the present strength of the Military Establishment, as fixed by the last War Department appropriations act, and now engaged on duties required by the national defense act of 1920 may be reduced by appreciable quotas for considerable periods, without loss in the economical administration of the Military Establishment and without detriment to the national defense.

Regarding the first assumption I believe that the record of American civil enterprise abroad is such as to refute the idea that we must turn to our Army engineers to secure satisfactory supervision or execution of civil work the Government may undertake abroad. The economy of such expedient is moreover, doubtful, inasmuch as work already entrusted to Army engineers would have to be reduced or deferred in proportion to the number of officers remaining available, or else undertaken by civilian engineers employed at home to replace the engineer officers detailed abroad.

In regard to the second assumption it is my certain belief that the present limited number of Regular officers authorized by current appropriation acts can not be further reduced by the detail of officers to duty outside the Military Establishment without actual loss in administrative economy and without detriment to the activities which the Army is conducting in accord with the provisions of the national defense act of 1920, as amended. These activities include not only the readiness of the Regular Army for service and the training of the large civilian components but the great project of industrial mobilization and the rivers and harbors work of the Corps of Engineers.

The proposed legislation is especially embarrassing to the War Department since it proposes to utilize officers from the staff departments, which with present reduced strengths are endeavoring to serve the Army as a whole in their various specialties and to discharge the other duties required of them by the national defense act.

The Corps of Engineers, a combat as well as a technical branch will consist on June 30, 1929, of 539 officers including the lieutenants to be commissioned from the present class at the Military Academy. This number is less than the 546 officers authorized for the Engineer Corps and is barely sufficient to meet the requirements of the duties imposed by the national defense act, both military and civil, including the most important duties of the corps in connection with rivers and harbors work and industrial mobilization. The same situation, in their different fields, obtains with respect to the Quartermaster Corps and the Finance Department.

Especially mention should, I feel, be made of the proposed legislation in so far as it would permit officers of the Medical Corps of the Army to be detailed to the work of the Foreign Service Buildings Commission. In the report which accompanies H. R. 15735 it is explained that, in certain instances, it would be necessary to provide medical attention for the local personnel employed in construction undertaken abroad by the Foreign Service Buildings Commission. Such attention can be furnished by medical officers of the Army only by reducing the medical attention now furnished the Army, including the medical service, already too limited, now furnished our officers and enlisted men at isolated military posts both in the United States and in the overseas departments. I mention this fact to show the manner in which a project for the use of military officers outside the Military Establishment, however worthy while in itself, may yet have most unfortunate consequences if all of its effects are not carefully considered.

For the reasons which have just been discussed, I am unable to favor the passage of the proposed legislation, in so far as the Army is concerned.

If any additional information from the War Department is desired, I shall be pleased to furnish it.

Sincerely yours,

DWIGHT F. DAVIS,  
Secretary of War.

#### MEMORIAL CHAPEL, AMERICAN LEGION, NEW JERSEY

The next business on the Consent Calendar was the bill (H. R. 16533) to authorize the American Legion, Department of New Jersey, to erect a memorial chapel at the naval air station, Lakehurst, N. J.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Navy be, and he is hereby, authorized to permit the American Legion, Department of New Jersey, to erect at the naval air station, Lakehurst, N. J., a memorial chapel in commemoration of those whose lives are lost in aviation and particularly in lighter-than-air-craft activities. The erection of this memorial chapel shall be subject to the following conditions:

First. The site of the memorial chapel shall be selected by the Secretary of the Navy, and its design and construction, with its individual memorials and memorial windows, shall be subject to his approval and supervision.

Second. The design and construction of the memorial chapel shall be without cost to the United States.

SEC. 2. Upon the completion and dedication of the memorial chapel, the Secretary of the Navy is authorized to accept it as an unconditional gift to the United States from the American Legion, Department of New Jersey.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

#### BRIDGE ACROSS OHIO RIVER, NEW MARTINSVILLE, W. VA.

Mr. BACHMANN. Mr. Speaker, I ask unanimous consent to return to Calendar 1157, H. R. 15570, authorizing S. R. Cox, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near New Martinsville, W. Va.

The SPEAKER pro tempore. The gentleman from West Virginia asks unanimous consent to return to Calendar 1157. The Clerk will report the title of the bill.

The Clerk reported the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That in order to facilitate interstate commerce, improve the Postal Service, and provide for military and other purposes

S. R. Cox, his heirs, legal representatives, and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Ohio River, at a point suitable to the interests of navigation, at or near New Martinsville, Wetzel County, W. Va., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. There is hereby conferred upon S. R. Cox, his heirs, legal representatives, and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches and terminals as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. The said S. R. Cox, his heirs, legal representatives, and assigns, is hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under authority contained in the act of March 23, 1906.

SEC. 4. After the completion of such bridge, as determined by the Secretary of War, either the State of West Virginia, the State of Ohio, any public agency or political subdivision of either of such States, within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation or expropriation in accordance with the laws of either of such States governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of 20 years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interests in real property; (3) actual financing and promotion cost, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interest in real property; and (4) actual expenditures for necessary improvements.

SEC. 5. If such bridge shall be taken over or acquired by the States or public agencies or political subdivisions thereof or by either of them, as provided in section 4 of this act, and if tolls are thereafter charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, to pay an adequate return on the cost thereof, and to provide a sinking fund sufficient to amortize the amount paid therefor as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the date of acquiring the same. After a sinking fund sufficient to pay the cost of acquiring the bridge and its approaches shall have been so provided such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper repair, maintenance, and operation of the bridge and its approaches under economical management. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for operating, repairing, and maintaining the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 6. The said S. R. Cox, his heirs, legal representatives, and assigns, shall within 90 days after the completion of such bridge file with the Secretary of War and with the highway departments of the States of West Virginia and Ohio a sworn itemized statement showing the actual original cost of constructing such bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and upon request of either of such highway departments shall, at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge; for the purpose of such investigation the said S. R. Cox, his heirs, legal representatives, and assigns, shall make available all of the records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 2 of this act, subject only to review in a court of equity for fraud or gross mistake.

SEC. 7. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to



S. R. Cox, his heirs, legal representatives, and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

Sec. 8. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

Page 3, line 11, strike out "twenty" and insert "five."

Page 3, line 21, strike out "interest" and insert "interests."

Page 4, line 6, after the word "management," strike out "to pay an adequate return on the cost thereof, and."

Page 4, line 8, after the word "thereof," insert "including reasonable interest and financing cost."

Page 5, line 20, strike out "2" and insert "4."

Page 6, line 7, add a new section, as follows:

"SEC. 8. All contracts made in connection with the construction of the bridge authorized by this act and which shall involve the expenditure of more than \$5,000 shall be let by competitive bidding. Such contracts shall be advertised for a reasonable time in some newspaper of general circulation published in the States in which the bridge is located and in the vicinity thereof; sealed bids shall be required and the contracts shall be awarded to the lowest responsible bidder. Verified copies or abstracts of all bids received and of the bid or bids accepted shall be promptly furnished to the highway departments of the States in which such bridge is located. A failure to comply in good faith with the provisions of this section shall render null and void any contract made in violation thereof, and the Secretary of War may, after hearings, order the suspension of all work upon such bridge until the provisions of this section shall have been fully complied with."

Page 6, line 24, strike out the figure "8" and insert the figure "9."

The committee amendments were agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

#### MONITORING RADIO STATION

The next business on the Consent Calendar was the bill (H. R. 16608) to authorize the purchase by the Secretary of Commerce of a site, and the construction and equipment of a building thereon, for use as a constant-frequency monitoring radio station, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

Mr. ELLIOTT. Mr. Speaker, I ask unanimous consent to substitute therefor the bill S. 5550, an identical bill, which has already passed the Senate.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the Senate bill.

The Clerk read as follows:

*Be it enacted, etc.,* That the Secretary of Commerce be, and he is hereby, authorized to purchase a suitable site, provided a suitable site now owned by the Government is not available for the purpose, and to contract for the construction thereon of a building suitable for installation therein of apparatus for use as a constant frequency monitoring radio station, and for the construction of a suitable roadway, power, and communication facilities, at a cost not to exceed \$50,000.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

#### RETIRED PAY, LIFE SAVING SERVICE

The next business on the Consent Calendar was the bill (H. R. 16656) providing for retired pay for certain members of the former Life Saving Service, equivalent to retired pay granted to members of the Coast Guard.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

*Be it enacted, etc.,* That any individual who served in the former Life Saving Service of the United States as a keeper or surfman, and who on account of being so disabled by reason of a wound or injury received or disease contracted in such service in line of duty as to unfit him for the performance of duty was continued upon the rolls of the service for an aggregate period of one year or more under the pro-

visions of section 7 of the act entitled "An act to promote the efficiency of the Life Saving Service and to encourage the saving of life from shipwreck," approved May 4, 1882, and who ceased to be a member of such service on account of such disability, which disability still continues at the time of the enactment of this act, shall, upon making due proof of such facts in accordance with such rules and regulations as the Secretary of the Treasury may prescribe, be entitled, from the date of the enactment of this act, to retired pay at the rate of 75 per cent of the pay he was receiving at the time of his separation from such service. No such individual shall receive a pension under any law of the United States for the same period for which he receives retired pay under the provisions of this act.

Sec. 2. No agent, attorney, or other person engaged in preparing, presenting, or prosecuting any claim under the provisions of this act shall, directly or indirectly, contract for, demand, receive, or retain for such services in preparing, presenting, or prosecuting such claim a sum greater than \$10, which sum shall be payable only on the order of the Secretary of the Treasury; and any person who shall violate any of the provisions of this section, or shall wrongfully withhold from the claimant the whole or any part of retired pay allowed or due such claimant under this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall, for each and every offense, be fined not exceeding \$500, or be imprisoned not exceeding one year, or both, in the discretion of the court.

The committee amendments were read, as follows:

Page 2, line 8, after the word "entitled," strike out the comma and the words "from the date of enactment of this act."

Page 2, line 9, after the word "pay," insert "from the date of the enactment of this act."

Page 2, line 13, after the word "any," insert the word "other."

The question was taken, and the amendments were agreed to. The bill as amended was ordered to be engrossed and read the third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

#### TO IMPROVE EFFICIENCY OF LIGHTHOUSE SERVICE

The next business on the Consent Calendar was the bill (H. R. 16657) to improve the efficiency of the Lighthouse Service, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I have no particular objection to the items contained in this bill, but I notice it is sort of an omnibus bill. I thought we had gotten away from that system of legislation several years ago.

Mr. MAPES. Mr. Speaker, of course, as the gentleman states, there are several different items in this bill. While they are important to the Lighthouse Service, they are not of major importance in the general scheme of things, and the Lighthouse Service thought it would expedite matters to put them all in the same bill.

Mr. LAGUARDIA. I have no objection to any item, but I do not like the omnibus character of the bill.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill.

Mr. MAPES. Mr. Speaker, I ask unanimous consent that the Committee on Interstate and Foreign Commerce be discharged from the consideration of the bill (S. 5179) and that it be substituted in place of the House bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

Mr. MAPES. Mr. Speaker, before that request is granted I would like to explain that the House bill contains two paragraphs which are not in the Senate bill, namely, sections 4 and 5. Section 4 of the House bill provides for the purchase of land for lighthouse depots at Newport, R. I.; Portland, Me.; and Rockland, Me. Section 5 provides for detail of officers in the field service to the offices here in Washington in case of need. I would like, if unanimous consent is granted, to offer an amendment to the Senate bill to add those two sections of the House bill at the end of the Senate bill.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the Senate bill.

The Clerk read as follows:

*Be it enacted, etc.,* That hereafter the appropriation, "General expenses, Lighthouse Service," shall be available, under rules prescribed by the Secretary of Commerce, for paying the actual and necessary traveling expenses of lighthouse keepers at isolated stations to obtain medical attention.

Sec. 2. The Secretary of Commerce is authorized to pay not exceeding 50 per cent of the cost of paving Mount Elliott Avenue from Wight

Street to the Detroit River, Detroit, Mich., said portion being directly in front of the lighthouse depot at Detroit. The appropriation, "General expenses, Lighthouse Service," of the fiscal year in which the work is undertaken shall be available therefor.

SEC. 3. The Secretary of Commerce is authorized, subject to the consent of the Republic of Panama and suitable diplomatic arrangements for protecting the interests of the United States, to establish and maintain aids to navigation, including the purchase of sites, if necessary, on Jicarita Island and on Morro Puerco in the approaches to the Panama Canal from the Pacific Ocean, said sites belonging to the Republic of Panama.

Mr. MAPES. Mr. Speaker—

The SPEAKER pro tempore. The gentleman from Michigan offers an amendment, which the Clerk will report.

Mr. MAPES. Mr. Speaker, I ask unanimous consent to return to section 1 for the purpose of offering a perfecting amendment.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the amendment.

The Clerk read as follows:

On page 1, line 7, after the word "stations," strike out the words "to obtain" and insert the words "incurred in obtaining."

The amendment was agreed to.

Mr. MAPES. Mr. Speaker, I desire to offer as an amendment sections 4 and 5 of the House bill.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the Senate bill, after line 11, insert as new matter the following:

"SEC. 4. The Secretary of Commerce is authorized to purchase the necessary land to be used as sites for lighthouse depots at Newport, R. I., Portland, Me., and Rockland, Me.

"SEC. 5. The Secretary of Commerce may detail superintendents of lighthouses and engineers in the Lighthouse Service to duty at the Bureau of Lighthouses at Washington without change of status."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The House bill was ordered to lie on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

#### INTER-AMERICAN HIGHWAYS

The next business on the Consent Calendar was the House joint resolution (H. J. Res. 355) authorizing the appropriation of the sum of \$50,000 to enable the Secretary of State to cooperate with the several governments members of the Pan American Union in the undertaking of financing and building an inter-American highway or highways.

The title of the resolution was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

Mr. BLACK of Texas. Reserving the right to object, Mr. Speaker, I question the propriety of authorizing an appropriation of \$50,000 to enable the Secretary of State to cooperate with the several governments members of the Pan American Union in the undertaking of financing and building an inter-American highway or highways. That could contemplate but one purpose, and that would be that the Government of the United States would undertake the financing and the building of highways beyond the borders of the United States.

Now, of, course, the United States very properly will cooperate with members of the Pan American Union in furthering the building of this highway. We will build it in the United States to the border line and encourage them to take it up and build it on farther. But I question the propriety of even undertaking by a resolution of this kind to let it be thought that we are going to enter into the financing of the building of a highway beyond the borders of the United States.

Mr. COLE of Iowa. Nothing of the sort is contemplated; it is not proposed for our Government to pay for such roads.

Mr. BLACK of Texas. What is meant, then, by the language, "To cooperate with the several governments members of the Pan American Union in the undertaking of financing and building an inter-American highway or highways"?

Mr. COLE of Iowa. The only thing contemplated by this legislation is that if one of the South or Central American States ask us to furnish them with engineering or other expert advice, we shall furnish it. So far as financing is concerned, that is a matter entirely separate. It is not contemplated that

this country will invest out of the United States Treasury a dollar in building a mile of road outside of this country.

Mr. BLACK of Texas. I shall have to object unless the language of this preamble be modified. I do not want to see Congress committed even in a remote degree to financing and building a highway outside of the United States.

Mr. HUDSON. Mr. Speaker, will the gentleman yield there?

Mr. BLACK of Texas. Yes.

Mr. HUDSON. It seems to me that the expenditure of this money will be more in the nature of conferences with those States of Latin America respecting the building of these highways than anything else. We have had experience as to the materials used and as to methods, and we can contribute to them a tremendous amount of value in these conferences. The gentleman from Texas realizes, as I do, that the building of highways is, perhaps, the greatest work of civilization.

Mr. BLACK of Texas. Yes. The gentleman from Texas is entirely sympathetic with the building of better highways, but this afternoon we have had a bill reported from the Committee on Foreign Affairs to spend nearly a million dollars in the Republic of San Domingo in building a lighthouse.

Mr. HUDSON. I fully realize that that is on a different foundation entirely.

Mr. BLACK of Texas. Well, unless this resolution is changed so as to show that we are not undertaking to finance the building of a public highway in a foreign country, I shall object. I object.

Mr. COLE of Iowa. Will the gentleman withhold his objection for a moment?

The SPEAKER pro tempore. Objection is heard. The Clerk will report the next bill.

#### BRIDGE ACROSS THE MISSOURI RIVER, N. DAK.

The next business on the Consent Calendar was the bill (H. R. 15717) to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Stanton, N. Dak.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

*Be it enacted, etc.,* That the times for commencing and completing the construction of a bridge across the Missouri River, at or near Stanton, N. Dak., authorized to be built by Paul Leupp, his heirs, legal representatives, or assigns, by act of Congress approved May 1, 1928, are hereby extended one and three years, respectively, from the date of approval hereof.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

With committee amendment as follows:

In line 8, after the word "from," strike out the words "the date of approval hereof" and insert in lieu thereof the words "May 1, 1929."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

#### BRIDGE ACROSS THE GRAND CALUMET RIVER, IND.

The next business on the Consent Calendar was the bill (H. R. 15718) granting the consent of Congress to the commissioners of the county of Lake, State of Indiana, to reconstruct, maintain, and operate a free highway bridge across the Grand Calumet River, at or near Lake Street, in the city of Gary, county of Lake, Ind.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

*Be it enacted, etc.,* That the consent of Congress is hereby granted to the board of commissioners of the county of Lake, State of Indiana, to reconstruct, maintain, and operate a free highway bridge across the Grand Calumet River at a point suitable to the interests of navigation, at or near Lake Street, in the city of Gary, Lake County, Ind., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.



The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

BRIDGE ACROSS THE SOUTH BRANCH OF THE MISSISSIPPI RIVER, AT MOLINE, ILL.

The next business on the Consent Calendar was the bill (H. R. 15916) to provide for the construction of a new bridge across the South Branch of the Mississippi River from Sixteenth Street, Moline, Ill., to the east end of the island occupied by the Rock Island Arsenal.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Reserving the right to object, Mr. Speaker, I do not see any report from the Budget Bureau on this bill.

Mr. ALLEN. We have not any report from the Budget Bureau. I have a communication from the commandant on the island.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

*Be it enacted, etc.,* That the Secretary of War be, and he is hereby, authorized and directed to cause to be constructed a bridge across the South Branch of the Mississippi River from Sixteenth Street in the city of Moline, Ill., to the east end of the island occupied by the Rock Island Arsenal, and upon completion of said new bridge he shall cause the existing bridge located at Fifteenth Street in the city of Moline to be entirely removed from the waterway: *Provided,* That any additional lands or rights of way needed for the construction of said new bridge shall be furnished by local interests without cost to the United States.

SEC. 2. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary, to be expended under the direction of the Secretary of War, in carrying out the provisions of this act, and to remain available until expended.

With a committee amendment as follows:

Page 1, line 4, strike out the words "and directed."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

#### INTERAMERICAN HIGHWAY OR HIGHWAYS

Mr. COLE of Iowa. Mr. Speaker, I ask unanimous consent to return to Calendar No. 1192, House Joint Resolution 355.

The SPEAKER pro tempore. The gentleman from Iowa asks unanimous consent to return to 1192 on the calendar. Is there objection?

There was no objection.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

There was no objection.

The Clerk read the resolution, as follows:

Whereas the Sixth International Conference of American States by resolution adopted at Habana, on February 7, 1928, intrusted the Pan American Union with the preparation of projects for the construction of an inter-American highway; and

Whereas the governing board of the Pan American Union, acting through the Pan American Confederation for Highway Education, has requested the cooperation of the several Governments, members of the union, in the formulation of such projects; and

Whereas the Congress of the United States of America, by joint resolution approved May 4, 1928, requested the President to direct the several agencies of the Government to cooperate with the States, members of the Pan American Union, in the preparation of such projects: Therefore be it

*Resolved, etc.,* That there is hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of \$50,000 to enable the Secretary of State to cooperate with the several Governments, members of the Pan American Union, when he shall find that any or all of such States have initiated a request or signified a desire to the Pan American Union to cooperate, in the reconnaissance surveys to develop the facts as to the feasibility of possible routes, the probable cost, the economic service, and such other information as will permit a visualization of the whole undertaking of financing and building an inter-American highway or highways, to be expended upon the order of the Secretary of State, including the additional cost incident to the assignment by the President of personnel in the Government

service, as now authorized, additional compensation of such personnel for foreign service, compensation of employees, transportation and subsistence or per diem in lieu of subsistence (notwithstanding the provisions of any other act), stenographic and other services by contract if deemed necessary, and such other expenses as may be deemed necessary by the Secretary of State in furtherance of the projects described.

With the following committee amendment:

Page 2, in line 10, after the word "facts," insert the words "and to report to Congress."

The committee amendment was agreed to.

Mr. BLACK of Texas. Mr. Speaker, on page 2, lines 12 and 13, I move to strike out the language "permit a visualization of the whole undertaking of financing and" and insert in lieu of the matter stricken out "be pertinent to the building."

The SPEAKER pro tempore. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLACK of Texas: Page 2, beginning in line 12, after the word "will," strike out the words "permit a visualization of the whole undertaking of financing and" and insert in lieu thereof "be pertinent to the building."

The amendment was agreed to.

Mr. BLACK of Texas. Mr. Speaker, I move that the title of the resolution be amended by striking out the words "the undertaking of financing and" and substituting in lieu of the matter stricken out the words "furthering the building of."

The SPEAKER pro tempore. Without objection, the title of the resolution will be so amended.

There was no objection.

The House joint resolution as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the resolution was passed was laid on the table.

Mr. COLE of Iowa. Mr. Speaker, this resolution (H. J. Res. 355) presents no new problems. In the last session House Joint Resolution 259 dealt with the same subject.

Both resolutions deal with what is known as an "Inter-American highway"—that is, an automobile highway, or highways—which, it is hoped, will ultimately connect up all the countries of the Western Hemisphere from Canada to Patagonia.

The movement for the construction of such a highway had its practical inception as recently as 1924, when a group of engineers from several of the Latin-American Republics visited the United States to study road construction. These distinguished visitors toured the country as far west as Minnesota. They were received by President Coolidge and by Herbert Hoover, then Secretary of Commerce.

As the outcome of that tour, Argentina issued an invitation to all the American Republics to meet in the first Pan American Congress of Highways, which was held at Buenos Aires in 1925. Delegates to this important congress were named by President Coolidge, with Herbert H. Rice, of Detroit, as chairman; Thomas H. MacDonald, chief of the United States Bureau of Public Roads, under the Department of Agriculture, was one of the engineers who attended the congress.

Another important outgrowth of the tour of the engineers was the formation of the Pan American Confederation for Highway Education, of which Dr. L. S. Rowe, Director General of the Pan American Union, is the titular head and of which Mr. Pyke Johnson, of Washington, D. C., is executive director. Auxiliary boards for such highway education have been organized in at least 10 of the American Republics, and in many others organizations are under way.

Doctor Rowe, who has been conducting the correspondence, told the Committee on Foreign Affairs, in the hearings on this resolution, that the matter is one of widespread and intense interest. This educational movement is so strong that it has become an important factor in Pan American unity. Those who have watched its growth see in it a new dawn of fellowship among the countries of the three Americas, a fellowship not merely of trade but of peace and good will.

The proposed and partially projected inter-American highway was made the subject of discussions in the last Pan American Congress, where it was highly commended. More important action was taken at the International Conference of American States, held at Habana, Cuba, in February, 1928. Not only was the international project indorsed but it was declared to be one of the highest importance for all the countries and peoples concerned. By resolutions of this conference the Pan American Union was intrusted with the preparation of projects for the construction of such a highway and to submit the same to the second Pan American Congress of Highways to be held at Rio de Janeiro this year.

The joint resolution under consideration among other things authorizes an appropriation to enable the Secretary of State, acting for the President, to cooperate with the several governments. This cooperation includes adequate participation in the congress to be held at Rio de Janeiro. It includes also the making of reconnaissance surveys to develop the facts as to the feasibility of possible routes, estimating the probable costs of construction and the economic service of the same, "and such other information as will permit a visualization of the whole undertaking of financing and building" of such inter-American highway.

The authorization is limited in this resolution to an appropriation of \$50,000, which is a very modest sum for so great a purpose. The United States is in an advantageous position. No new construction, or special construction of roads, will be called for in this country. We already have a network of hard-surfaced roads, all of which can be connected up with the highway or highways that lead to Laredo, Tex., where the longitudinal road through Mexico will have its beginning.

There is no desire on the part of our Government to claim any special credit for this program. It did not have its origin in Washington. The primary credit belongs to the Latin-American engineers and the special credit to the Government of Argentina, which called the first Pan American Congress of Highways. The present movement had its origin in those two events, and I am sure that we are glad to acknowledge our indebtedness to them, and to do so with the assurance that the Government in Washington will do whatever it can in cooperation with the other governments to bring about the ends sought.

The roads to be built through the republics to the south will be paid for by the countries affected. American capital may be called upon to help finance some of these projects, but that will be done outside of the Government. All that our Government, as such, can do is to give those countries that request it the benefit of our engineering skill and other technical advice and aid. This we should render to the extent requested.

President Coolidge in two messages to Congress, in 1927 and 1928, has urged Congress to render all possible assistance. In the message of 1927 he said that our "desire for improved highways" should not be limited to our own country. He said—

It should and does include all the countries of the Western Hemisphere.

He went so far as to say that—

private interests should look with favor on all reasonable loans sought by these countries—south of the Rio Grande—to open such main lines of travel.

In his last message to Congress the President assured us that his "view has not changed." He said we should—

be ready to contribute from our abundant experience to make their task easier of accomplishment.

And he again expressed the hope that American capital would look with favor on the proposed developments.

President-elect Hoover shares with President Coolidge interest in the inter-American highway. On his recent "good will" tour of the southern republics he made it the subject of many conferences and he alluded to it often in his public addresses. Mr. Hoover is one of the pioneers in this movement. Speaking as an engineer to the Latin-American engineers on their tour of 1925, he said:

For many years—for perhaps half a century—the engineers have carried a dream in their minds that they might some day have a railway from Canada to Tierra del Fuego. That dream is much more likely of realization and is certain of realization through the development of the great new form of transportation by automobile, for through that we will have the extension of our road system to that point where we shall have at last, and in reality, and in not many years, real communication between all the nations of the American Continent.

Both as an engineer and as a President of the United States, he may well covet such an international achievement for the credit of his impending administration.

The "dream" to which Mr. Hoover referred in that speech is as old as Henry Clay, who in every way befriended and defended the southern republics which were then in their formative stages. He rendered so many services to them that his name is still revered among them. Almost a century ago he dreamed of breaking down the barriers between them and between them and us through the construction of an inter-American railroad.

Half a century later the dream was revived in Congress by James G. Blaine, and by others also. Under his leadership a Pan American Congress was held in Washington in 1888, the purpose of which was to further the construction of the Pan

American railroad. It is a notable speech in which he welcomed the delegates, he hoped—

that at no distant day the railway systems of the north and south will meet upon the Isthmus and connect by land routes the political and commercial capitals of all America.

He expressed the belief that "hearty cooperation, based on hearty confidence," would flow from such intercommunication and would—

save all the American states from the burdens and evils which have long and cruelly afflicted the older nations of the world.

But the obstacles were then still too many to overcome. In the meantime a new form of travel and transportation has been developed in the world, the automobile and, associated with it, the airplane. This transportation is not only simpler and cheaper, on the whole, but more direct, and it brings the peoples into closer contacts. The automobile is democracy on wheels.

It will, of course, take many years to complete such an undertaking. But much has already been accomplished, more than is realized. A passable route through Mexico is promised within two or three years. Not only an educational movement but actual work of construction is under way in all of the Central American republics. South of the Isthmus both education and construction are well advanced and are under increasing momentum.

Associated with the proposed and projected automobile road is travel by air. The roads that will carry the motor cars will also serve as markers for airplanes. It will afford landing places in times of trouble and also for refueling. The inter-American highway will serve both forms of travel equally well.

The whole undertaking which will be served by the passage of this resolution is one that appeals to the imagination. It is in many ways the greatest quest of the American republics to-day. When realized, as it will be, it will be a conquest of world significance.

Mr. Pyke Johnson, executive director for the Pan American Confederation of Highway Education, has coined a phrase, "Southward ho," that may be accepted as the slogan for this movement. "Southward ho" will be to our generation what "Westward ho" was to the generations that preceded us.

#### BRIDGE ACROSS THE GRAND CALUMET RIVER

The next business on the Consent Calendar was the bill (H. R. 16126) granting the consent of Congress to the commissioners of the county of Lake, State of Indiana, to reconstruct, maintain, and operate a free highway bridge across the Grand Calumet River, at a point suitable to the interests of navigation, at or near Cline Avenue, in the cities of East Chicago and Gary, county of Lake, Ind.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the consent of Congress is hereby granted to the board of commissioners of the county of Lake, State of Indiana, to reconstruct, maintain, and operate a free bridge across the Grand Calumet River, at a point suitable to the interests of navigation, at or near Cline Avenue, in the cities of East Chicago and Gary, Lake County, Ind., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Sec. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

#### BRIDGE ACROSS THE ALLEGHENY RIVER

The next business on the Consent Calendar was the bill (H. R. 16306) to extend the times for commencing and completing the construction of a bridge across the Allegheny River at Oil City, Venango County, Pa.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the times for commencing and completing the construction of the bridge across the Allegheny River at Oil City, county of Venango, State of Pennsylvania, authorized to be built by the Pennsylvania Railroad Co., by the act of Congress approved Feb-



ruary 16, 1928, are hereby extended one and three years, respectively, from the date of approval hereof.

Sec. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

Page 1, line 6, strike out the word "the" and insert the word "The."

In line 8, after the word "from," strike out the words "the date of approval hereof" and insert the words "February 16, 1929."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

#### BRIDGE ACROSS THE CUMBERLAND RIVER

The next business on the Consent Calendar was the bill (H. R. 16382) to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Burnside, Pulaski County, Ky.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the times for commencing and completing the construction of the bridge across the Cumberland River, at or near Burnside, Pulaski County, Ky., authorized to be built by State Highway Commission, Commonwealth of Kentucky, by the act of Congress approved May 18, 1928, are hereby extended one and three years, respectively, from the date of approval hereof.

Sec. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendment:

In line 9, strike out the words "the date of approval hereof" and insert "May 18, 1929."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

#### BRIDGE ACROSS THE SOUTH FORK OF THE CUMBERLAND RIVER

The next business on the Consent Calendar was the bill (H. R. 16383) to extend the times for commencing and completing the construction of a bridge across the South Fork of the Cumberland River at or near Burnside, Pulaski County, Ky.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the times for commencing and completing the construction of the bridge across the South Fork of the Cumberland River, at or near Burnside, Pulaski County, Ky., authorized to be built by the State Highway Commission, Commonwealth of Kentucky, by the act of Congress approved May 18, 1928, are hereby extended one and three years, respectively, from the date of approval hereof.

Sec. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendment:

In line 9 strike out the words "the date of approval hereof" and insert "May 18, 1929."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

#### BRIDGE ACROSS THE CUMBERLAND RIVER

The next business on the Consent Calendar was the bill (H. R. 16384) to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Burkesville, Cumberland County, Ky.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the times for commencing and completing the construction of the bridge across the Cumberland River, at or near Burkesville, Cumberland County, Ky., authorized to be built by the State Highway Commission, Commonwealth of Kentucky, by the act of

Congress approved May 18, 1928, are hereby extended one and three years, respectively, from the date of approval hereof.

Sec. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendment:

In line 9 strike out the words "the date of approval hereof" and insert "May 18, 1929."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

#### BRIDGE ACROSS THE CUMBERLAND RIVER

The next business on the Consent Calendar was the bill (H. R. 16385) to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Canton, Ky.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the times for commencing and completing the construction of the bridge across the Cumberland River, at or near Canton, Ky., authorized to be built by the State Highway Commission, Commonwealth of Kentucky, by the act of Congress approved May 18, 1928, are hereby extended one and three years, respectively, from the date of approval hereof.

Sec. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendment:

In line 8, strike out the words "the date of approval hereof" and insert "May 18, 1929."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

#### BRIDGE ACROSS THE CUMBERLAND RIVER

The next business on the Consent Calendar was the bill (H. R. 16386) to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Smithland, Ky.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the times for commencing and completing the construction of the bridge across the Cumberland River, at or near Smithland, Ky., authorized to be built by the State Highway Commission, Commonwealth of Kentucky, by the act of Congress approved May 18, 1928, are hereby extended one and three years, respectively, from the date of approval hereof.

Sec. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendment:

In line 8, strike out the words "the date of approval hereof" and insert "May 18, 1929."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

#### BRIDGE ACROSS THE CUMBERLAND RIVER NEAR IUKA, KY.

The next business on the Consent Calendar was the bill (H. R. 16387) to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Iuka, Ky.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the times for commencing and completing the construction of the bridge across the Cumberland River at or near Iuka, Ky., authorized to be built by the State Highway Commission, Commonwealth of Kentucky, by the act of Congress approved May 26, 1928, are hereby extended one and three years, respectively, from the date of approval hereof.

Sec. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendment:

Line 8, strike out the words "the date of approval hereof" and insert in lieu thereof the words "May 26, 1929."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

#### BRIDGE ACROSS TENNESSEE RIVER AT EGGNERS FERRY, KY.

The next business on the Consent Calendar was the bill (H. R. 16388) to extend the times for commencing and completing the construction of a bridge across the Tennessee River at or near Eggners Ferry, Ky.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the times for commencing and completing the construction of the bridge across the Tennessee River at or near Eggners Ferry, Ky., authorized to be built by the State Highway Commission, Commonwealth of Kentucky, by the act of Congress approved May 18, 1928, are hereby extended one and three years, respectively, from the date of approval hereof.

Sec. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendment:

Line 8, strike out the words "the date of approval hereof" and insert in lieu thereof "May 18, 1929."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

#### BRIDGE ACROSS TENNESSEE RIVER AT MOUTH OF CLARKS RIVER, KY.

The next business on the Consent Calendar was the bill (H. R. 16389) to extend the times for commencing and completing the construction of a bridge across the Tennessee River at or near the mouth of Clarks River.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the times for commencing and completing the construction of the bridge across the Tennessee River at or near the mouth of Clarks River, authorized to be built by the State Highway Commission, Commonwealth of Kentucky, by the act of Congress approved May 18, 1928, are hereby extended one and three years, respectively, from the date of approval hereof.

Sec. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendment:

Line 8, strike out the words "the date of approval hereof" and insert in lieu thereof "May 18, 1929."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

#### REGISTRATION OF NURSES IN THE DISTRICT OF COLUMBIA

The next business on the Consent Calendar was the bill (H. R. 15387) to amend the act of February 9, 1907, entitled "An act to define the term 'registered nurse' and to provide for the registration of nurses in the District of Columbia."

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I have two amendments to offer. One is on page 9, line 2. After the period insert the following:

The records and accounts of said board shall be subject to the audit of the auditor of the District of Columbia.

My other amendment is on page 6, line 24. After the period insert—

Any applicant who is denied registration may appeal from the decision of the board to the Commissioners of the District of Columbia and the decision of said commissioners shall be final and binding on all parties.

Mr. FISH. I will ask the gentleman from New York before he submits the amendments to take the matter up with the gentleman from Nebraska, who has similar amendments.

The SPEAKER pro tempore. Is there objection?

Mr. LAGUARDIA. Reserving the right to object, Mr. Speaker, we are trying to agree on some amendments.

Mr. FISH. I will accept the amendments of either gentleman.

Mr. LAGUARDIA. There is no objection on my part.

Mr. SCHAFER. Reserving the right to object, Mr. Speaker, the amendment of the gentleman provides for an appeal to the Board of Commissioners of the District of Columbia. Would it not be better to provide for an appeal to the courts?

Mr. LAGUARDIA. The gentleman from Nebraska is going to offer such an amendment.

Mr. SIMMONS. I have an amendment which is acceptable to the gentleman from New York that provides that in the event a nurse is denied registration she may appeal to the courts of the District of Columbia.

Mr. SCHAFER. I agree with that amendment. I have one further question. I understood the gentleman from New York to state he had an amendment providing that the accounts of the board shall be reviewed by the auditor of the District of Columbia. Would it not be better to provide that the accounts shall be reviewed by the Comptroller General?

Mr. LAGUARDIA. I think all the District accounts are reviewed by the auditor of the District. I will ask the gentleman from Nebraska if I am right about that?

Mr. SIMMONS. Yes; in all matters of this kind the accounts are reviewed by the auditor of the District of Columbia and not by the Comptroller General.

Mr. SCHAFER. Would the Comptroller General also have authority to review them?

Mr. SIMMONS. I do not know.

Mr. O'CONNELL. What is the law on the question?

Mr. LAGUARDIA. The auditor of the District of Columbia.

Mr. O'CONNELL. Why not follow the law?

Mr. LAGUARDIA. That is what we are going to do.

Mr. SIMMONS. I will say to the gentleman from Wisconsin that the amendments I propose to offer were prepared by the auditor for the District of Columbia.

Mr. SCHAFER. I want to ask one further question. Has this bill been reported to the House by the unanimous vote of the committee, or has there been objection to the bill in the committee?

Mr. FISH. I understand it is a unanimous report.

Mr. SCHAFER. I shall not object.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent that the bill be read by sections.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That from and after June 30, 1929, the act of February 9, 1907, entitled "An act to define the term 'registered nurse' and to provide for the registration of nurses in the District of Columbia," be amended to read as follows:

"That from and after the 30th day of June, 1929, no person shall in the District of Columbia in any manner whatsoever represent herself to be a registered, certified graduate, or trained nurse, or allow herself to be so represented, unless she has been and is registered or is registered by the nurses' examining board in accordance with the provisions of this act.

"Sec. 2. The nurses' examining board shall be composed of five members appointed by the Commissioners of the District of Columbia. Those persons who are members of the nurses' examining board on June 30, 1929, shall continue to be members of the said board for the remainder of the terms for which they were appointed. The term of each member of said board shall be five years. All appointments shall be made so that the term of one member expires on the 30th day of June of each year. Each vacancy or unexpired term shall be filled by appointment from a list of three nominees submitted to the Commissioners of the District of Columbia by the Graduate Nurses' Association of the District of Columbia. Each nominee shall have had not less than five years' experience in the profession of nursing, be a registered nurse registered in the District of Columbia, and a member of the Graduate Nurses' Association of the District of Columbia. The Graduate Nurses' Association of the District of Columbia shall make such nominations to the said commissioners. No member of said board shall enter upon the discharge of her duties until she has taken oath faithfully and impartially to perform the same; and the said commissioners may remove any member of said board for neglect of duty or for any just cause."



Mr. SIMMONS. Mr. Speaker, I offer the following amendment:

The Clerk read as follows:

On page 2, line 14, strike out the word "three" and insert the word "five."

The amendment was agreed to.

The Clerk continued the reading of the bill, as follows:

SEC. 3. The nurses' examining board shall meet in the District of Columbia between June 30, 1929, and July 15, 1929, and organize the board in accordance with the provisions of this act, and annually thereafter shall meet in the month of April for the annual organization of the board. At each such organization meeting the board shall elect from its members a president and a vice president, and it shall also appoint an executive secretary of the board, who shall not be a member of the board, but who shall possess the requirements necessary for membership in the board. The secretary-treasurer of the said board who is acting in that capacity on July 1, 1929, for the unexpired term commencing in April, 1929, shall cease to hold office as secretary-treasurer of the board on and after July 1, 1929. The executive secretary shall ex officio act as treasurer of the board and as such shall furnish a bond in the penal sum which shall be fixed by the Commissioners of the District of Columbia. The said board shall adopt such by-laws as it shall deem necessary for carrying into effect the provisions of this act and may amend such by-laws from time to time at the discretion of said board. The executive secretary shall be required to keep a record of all meetings of the board and also a register of all nurses duly registered or reregistered under this act, and to furnish a certificate of registration or of reregistration to all such nurses; also to maintain a registry of nurses' training schools in the District of Columbia approved by said board. The board shall hold examinations not less frequently than once a year, and notice of each examination shall be given in one daily newspaper published in Washington and in one nursing journal at least 30 days prior to the examination. The executive secretary shall inspect all recognized schools of nursing in the District of Columbia and report to said board as to the sufficiency and quality of training afforded by such schools. The executive secretary may be removed by a majority vote of the said board for neglected duty or any just cause.

SEC. 4. That every nurse desiring to register in the District of Columbia shall make application to the nurses' examining board for examination and registration, and at the time of making such application shall pay to the treasurer of said board \$15. Said applicant must furnish satisfactory evidence that she is over 21 years of age or that she will attain the age of 21 years within six months after the date fixed for the necessary examination to be held by said board after the date of such application. Except as otherwise provided in this act, an applicant shall not be registered unless she has passed an examination by the nurses' examining board. No nurse shall be registered in the District of Columbia who has not attained the age of 21 years. Said applicant must also furnish satisfactory evidence of good moral character, and further that she holds a diploma from a training school for nurses which has been registered by the nurses' examining board of the District of Columbia; *Provided, however*, That no training school shall be registered which does not maintain proper educational standards and give not less than two years' training in a general hospital, or in a special hospital with adequate affiliations, all of which shall be determined by the nurses' examining board.

SEC. 5. That any nurse who is at least 21 years of age and of good moral character and who presents satisfactory evidence that she has, prior to July 1, 1924, graduated from a school of nursing connected with a hospital, and that she has been engaged in nursing in the District of Columbia prior to July 1, 1929, shall be entitled to registration without examination upon payment of the registration fee of \$15: *Provided, however*, That application for such registration must be made on or before June 30, 1932.

SEC. 6. That the nurses' examining board shall have power to register in like manner without examination any graduate or trained nurse registered as a nurse by examination in another State or Territory who holds a diploma from a nurses' training school outside of the District of Columbia which, in the opinion of said board, maintains a standard substantially equivalent to that provided for by this act.

SEC. 7. Each nurse who has been registered in the District of Columbia shall be reregistered each year on the 1st day of July upon application to the executive secretary of said board and the payment of a fee of \$1: *Provided*, That such fee of \$1 shall not be payable in case the applicant has been originally registered within the 12 months next preceding the day for reregistration. Application for reregistration may be made within 60 days preceding the day of reregistration. Registration of any nurse who does not thus apply for reregistration for any year shall be automatically canceled as of the beginning of such year. The by-laws adopted by the nurses' examining board shall define the conditions upon which the registration of a nurse may be restored. Schools of nursing in the District of Columbia may apply to said board for registration and, with the exception of schools of nursing maintained at Government expense, shall pay a fee of \$25 at the time application is

made. Each such school registered shall apply each year for reregistration, and, with the exception of schools of nursing maintained at Government expense, at the same time pay a fee of \$25.

Mr. SIMMONS. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Page 6, line 24, after the word "of," strike out "\$25" and the period and insert in lieu thereof the following: "*\$1: Provided further*, That on the petition of any applicant to whom registration or reregistration has been denied by the nurses' examining board, the action of the board may be reviewed by the Supreme Court of the District of Columbia on a writ of certiorari subject to appeal to the Court of Appeals of the District of Columbia in the same manner appeals are taken in similar cases."

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

The Clerk continued with the reading of the bill, as follows:

SEC. 8. No person shall file or attempt to file with the nurses' examining board of the District of Columbia any statement, diploma, certificate, credential, or other evidence when she knows, or when she might by reasonable diligence ascertain, that it is false and misleading. The Supreme Court of the District of Columbia, sitting as a court of equity, may suspend or revoke any certificate issued and any registration effected under this act upon evidence showing to the satisfaction of the court that the registrant has been guilty of misconduct or is professionally incapacitated. Proceedings looking toward the suspension or revocation of a certificate or registration shall be begun by petition filed in the Supreme Court of the District of Columbia in the name of the nurses' examining board, or of the Commissioners of the District of Columbia, or of the major and superintendent of police of said District, and shall be verified by oath. Proceedings shall be conducted by the United States attorney for the District of Columbia according to the ordinary rules of equity practice and such supplementary rules as said court may deem expedient to carry into effect the purpose and intent of this act. An appeal may be taken from the decision of the Supreme Court of the District of Columbia to the Court of Appeals of said District. Any such appeal on behalf of the Commissioners of the District of Columbia or of the major and superintendent of police of said District may be filed without bond. The Supreme Court of the District of Columbia may determine whether a certificate or registration shall be suspended or be revoked, and if such certificate or registration is to be suspended said court may determine the duration of such suspension and the conditions under which said suspension shall terminate.

SEC. 9. That all expenses incident to the execution of the provisions of this act shall be paid from fees collected from registration or reregistration of nurses. The executive secretary of said board may receive a salary to be fixed by said board at its annual organization meeting not to exceed the rate of \$250 per month. Each member of the board shall receive a per diem allowance at the rate of \$10 per day for each full day such member is actually engaged in the performance of duties as a member of the board. The payment of such per diem allowance shall be made from any unexpended balance in the treasury of said board remaining on June 30 of the year during which the services have been rendered, and if the unexpended balance is insufficient to meet the total amount of such per diem allowance, the rate of compensation shall be reduced to a rate which will permit payment from such unexpended balance. All registration or reregistration fees shall be paid to the treasurer of the board, and shall be paid out under the orders of the board.

Mr. FISH. Mr. Speaker, I offer the following amendment:

The Clerk read as follows:

Page 8, beginning at line 10, insert "from schools of nurses, and."

The SPEAKER. The question is on the amendment offered by the gentleman from New York.

The amendment was agreed to.

Mr. SIMMONS. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Page 8, line 23, after the word "balance," insert a new sentence, as follows: "*Provided*, That such expenses shall in no event exceed the total of receipts."

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

Mr. SIMMONS. Mr. Speaker, I offer another amendment:

The Clerk read as follows:

Page 9, line 2, after the word "board," insert: "That it shall be the duty of the auditor of the District of Columbia to audit the accounts of the Nurses' Examining Board at the end of each fiscal year and make report thereof in writing to the Commissioners of the District of Columbia; said auditor to have free access to all books and papers of the board. The Nurses' Examining Board shall make annual

report to the Commissioners of the District of Columbia containing a statement of moneys received and disbursed and a summary of its official acts during the preceding year."

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

The Clerk proceeded with the reading of the bill, as follows:

SEC. 10. That any person who shall violate any of the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding \$200 or by imprisonment in the workhouse for a period not exceeding 60 days.

SEC. 11. That nothing in this act shall be construed to prevent any person from nursing any other person in the District of Columbia, either gratuitously or for hire: *Provided*, That such person so nursing shall not represent herself as being a registered, certified, graduate, or trained nurse.

SEC. 12. That the word "she" and the derivatives thereof, wherever they occur in this act, shall be construed so as to include the word "he" and derivatives.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

#### TRADING WITH THE ENEMY ACT

Mr. NEWTON. Mr. Speaker, I ask unanimous consent to take up out of order Calendar No. 1222, S. 5452, to amend the trading with the enemy act so as to extend the time within which claims may be filed with the Alien Property Custodian.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to take up out of order S. 5452. The Clerk will report the title of the bill.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That subsection (d) of section 25 of the trading with the enemy act, as amended, is hereby amended by striking out the term "one year" in clause (1) of said subsection and inserting in lieu thereof the term "two years."

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

#### ORDER OF BUSINESS—CALL OF CONSENT CALENDAR ON THURSDAY NEXT

Mr. TILSON. Mr. Speaker, we have been in session for more than three hours since the House convened to-day and we have not completed more than one-half of the Consent Calendar. I understand that it is the purpose of the Speaker to now give recognition for suspensions, thus leaving half the calendar unfinished. In view of this situation I ask unanimous consent that on Thursday of this present week the Consent Calendar may be called.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that on Thursday of this week the Consent Calendar may be considered as being in order. Is there objection?

Mr. JONES. Mr. Speaker, reserving the right to object, can we assume then that no other bills on this calendar will be called this afternoon?

Mr. TILSON. It would not be quite safe to give that assurance, because some of the suspensions may not hold out. If they are completed in time, it would be natural for us to go back to the Consent Calendar. However, it is usual that after suspensions no more work is done on the Consent Calendar. It is seldom that we return to this calendar after suspensions are through, but we can not be entirely sure of it.

The SPEAKER. Is it the gentleman's request to continue the calendar from the point left off to-day?

Mr. TILSON. To continue the calendar from the point reached to-day, and that no suspensions be in order.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that on Thursday next it shall be in order to consider the Consent Calendar from the point reached to-day, and that no suspensions shall be in order on that day. Is there objection?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, has the gentleman given consideration to the possibility of a session this evening in view of the fact that we are so near the end of the session? Any bills that could be sent to the Senate to-night would be far ahead of those sent over on Thursday next.

Mr. TILSON. I believe the session next Thursday will serve all purposes. Besides, those who are considering these bills

are not prepared to go through the entire calendar this afternoon.

Mr. O'CONNELL. Are we likely to have a session on the Private Calendar?

Mr. TILSON. Not before Thursday. It is not expected that the Private Calendar will be reached before Friday.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

#### CALL OF THE HOUSE

Mr. KETCHAM. Mr. Speaker, in view of the importance of the measures to be called up under suspension I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Michigan makes the point of order that there is no quorum present. Evidently there is not a quorum present.

Mr. TILSON. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The doors were closed.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 26]

Abernethy	Dickstein	Johnson, Ill.	Ramseyer
Adkins	Doughton	Johnson, Ind.	Reed, Ark.
Aldrich	Doutrich	Kearns	Reid, Ill.
Allen	Doyle	Kendall	Schneider
Andresen	Eaton	Kent	Sirovich
Andrew	Estep	Kindred	Somers, N. Y.
Anthony	Fenn	Kunz	Stedman
Arnold	Fletcher	Kvale	Stevenson
Bacharach	Frear	Leech	Strong, Kans.
Beck, Pa.	Fulbright	Lyon	Strother
Beck, Wis.	Furlow	McClintic	Sullivan
Bowles	Garber	McKeown	Swing
Britten	Garner, Tex.	McReynolds	Taylor, Tenn.
Buckbee	Gifford	Maas	Temple
Bushong	Golder	Mead	Thompson
Byrns	Griest	Merritt	Tillman
Carew	Guyer	Michaelson	Timberlake
Carter	Hammer	Milligan	Treadway
Casey	Hawley	Mooney	Tucker
Chase	Hickey	Moore, N. J.	Underhill
Chindblom	Houston	Murphy	Underwood
Clarke	Hudspeth	O'Brien	Urdike
Cole, Md.	Hughes	O'Connor, N. Y.	Watson
Cooper, Ohio	Hull, William E.	Oldfield	Weller
Crisp	Hull, Tenn.	Oliver, N. Y.	Welsh, Pa.
Curry	Igoe	Palmer	White, Kans.
Davey	Jacobstein	Parker	Yates
Dempsey	James	Quayle	
De Rouen	Jeffers	Rainey	

The SPEAKER. Three hundred and fourteen Members are present, a quorum.

Mr. TILSON. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

#### COLUMBIA BASIN RECLAMATION PROJECT

Mr. SUMMERS of Washington. Mr. Speaker, I move to suspend the rules and pass the bill S. 1462, which I send to the Speaker's desk.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 1462) providing for the necessary surveys, studies, investigations, and engineering of the Columbia Basin reclamation project, and for other purposes.

*Be it enacted, etc.*, That the Secretary of the Interior is hereby authorized to make such studies, surveys, investigations, and do such engineering as may be necessary to determine the lands that should be embraced within the boundaries of a reclamation project, heretofore commonly known, and hereafter to be known, as the Columbia Basin reclamation project, if authorized and constructed, and to determine definitely, and recommend, the best source of water supply for said lands, and which of the two proposed plans of placing water on said lands, the gravity system or the pumping plan, is the most practicable, feasible, and desirable, and the cost of the same; also to investigate the legal problem of water rights, plans for the settlement and cultivation of the land, and whether farmers on said land will be able to meet the construction costs of the project, and whether the said project is feasible and its construction is desirable at this time. The appropriation of one-half of such sums of money as may be necessary for the aforesaid purposes from time to time is hereby authorized from the reclamation fund, such appropriation to be available only when matched by equal amounts contributed by the State of Washington or by other sources: *Provided*, That the passage of this act shall not in any respect whatever prejudice, affect, or militate against the rights of the State of Idaho or the State of Montana, or the residents, or the people thereof, touching any matter, or thing, or property, or property interests, relative to the construction of the Columbia Basin project. The Secretary shall report to Congress as soon as practicable, and not



later than December 10, 1931, his findings, conclusions, and recommendations regarding such project.

The SPEAKER. Is a second demanded?

Mr. McFADDEN. Mr. Speaker, I demand a second.

The SPEAKER. The Chair will say that a moment ago he agreed with the gentleman from Utah to recognize him to demand a second. Has the gentleman consulted the gentleman from Utah?

Mr. McFADDEN. I have conferred with the gentleman.

The SPEAKER. The Chair recognizes the gentleman from Pennsylvania to demand a second.

Mr. SUMMERS of Washington. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The gentleman from Washington is recognized for 20 minutes and the gentleman from Pennsylvania for 20 minutes.

Mr. SUMMERS of Washington. Mr. Speaker and gentlemen, first I want to emphasize the fact that this is not the adoption of a project. In the briefest possible time I want to give you a picture of the Columbia Basin project.

The Columbia Basin project lies in the central eastern part of the State of Washington.

The land is gently sloping or level.

The soil is from 2 to 50 feet deep.

A part of this land is now dry farmed for wheat growing every second year.

Sagebrush covers several hundred thousand acres.

About half a million acres were homesteaded and farmed many years ago but were abandoned for lack of rainfall. A rainfall of 6 to 8 inches a year will not insure crops.

Deserted cabins, schoolhouses, and churches in profusion fall to decay as mute evidence of blasted hopes, homes, and fortunes.

Many small towns dot the project. Five railroads cross and recross it.

Hundreds of miles of county and State surfaced highways traverse this area.

The climate is mild and salubrious. The growing season is unusually long and favorable.

Abundant water supply is available.

The State of Washington has shown good faith by appropriating \$172,500 for surveys and investigations.

Our private citizens have contributed many times that amount in time and money during the past 10 years.

The Congress has appropriated \$125,000 for surveys and investigations.

This is a large project. When finally adopted and constructed it must be a success. Every detail must be mastered. It must repay to the United States every dollar expended. For these reasons the Department of the Interior desires further studies, further investigations, further surveys, all of which will require several years. Water controversies must also be adjusted.

Mr. BACON. Can the gentleman tell us what the final cost will be?

Mr. SUMMERS of Washington. I can not yield at this time. This bill provides for such further investigations. It does nothing more. It does not adopt the project.

The Columbia Basin project will not complicate the farm problem since it will, when approved by Congress, come under cultivation 20 to 40 years from now. Surveys, construction, and settlement of the first unit will require 20 years. When this unit is fully developed we plan to bond it and develop the second unit and later the third and then the fourth. This is not the work of a day nor a decade. We are looking far into the future. But to have the project when we need it and when you need it we must continue the investigations now.

The increased population of the State of Washington could absorb the products of this area.

Our expanding trade across the Pacific will demand many times the production of the Columbia Basin project.

When this area is fully developed the population of the United States will be 60,000,000 more than now. The Columbia Basin project would support but one-sixtieth of this increase.

Mr. Speaker, the development of this vast sagebrush empire of potentially fertile land concerns every State of the Union. Besides furnishing homes for your children and grandchildren it will from the beginning of construction create a great home market for your products.

In the State of Washington we are to-day driving 400,000 of your automobiles.

From New York, Maryland, Ohio, and Illinois we buy a million suits of clothing every year. From Connecticut and Pennsylvania as many hats. From Massachusetts and Missouri and New Jersey 5,000,000 pairs of shoes. Iowa furnishes our breakfast foods and washing machines by the trainload.

Paints and farm machinery, tobacco, groceries, and women's wear come from many States. Eastern farmers feed these workmen. And yet history records that some of the greatest statesmen that ever hailed from the Mississippi Valley, New England, and the Southland many times declared in these Halls that the Columbia River country was inaccessible and undesirable. They were thinking of commerce—but distance blinded their eyes. Not a State east of the Rocky Mountains to-day that does not ship carloads or trainloads of its products into our State. This is true of Kansas, of Minnesota, of Maine, of Florida.

Foreign markets are costly to develop and difficult to hold. Home markets once developed are always yours. The Columbia Basin project will be worth \$100,000,000 annually to your farms and factories.

President Coolidge says investigations should go forward.

The master of our State grange has often told me he had no objection to surveys.

General Goethals said:

The Columbia Basin project will add more to the Nation's wealth than the Panama Canal.

Mr. Hoover said:

I am decidedly in favor of the Columbia Basin project. It is economically sound and timely.

The American Federation of Labor and many other forward-looking organizations strongly indorse the project.

Gentlemen, to-day you will vote for sagebrush, jack rabbits, and stagnation or you will vote for homes, markets, and progress.

Sirs, I appeal to your statesmanship. I beg of you, look to the future and support this bill. [Applause.]

Mr. Speaker, I reserve the balance of my time.

The SPEAKER. The gentleman from Washington reserves 13 minutes.

Mr. McFADDEN. Mr. Speaker, I desire briefly to call the attention of the House to this particular bill as untimely, particularly so in view of the fact that we are now engaged or about to become engaged in a plan for the protection of the farmers of the country. I desire also to direct attention to the fact that the cost of this project if we engage in this legislation will run into something over \$300,000,000. I do not desire to take up the time of the House myself, except to have a letter read from a farmer in the irrigated section of the country which I send to the Clerk's desk and ask that it be read. I had my say on this particular matter in this House on January 23 last.

The SPEAKER. Without objection, the Clerk will read the letter.

There was no objection.

The Clerk read as follows:

ABERDEEN, IDAHO, January 30, 1929.

Hon. Mr. McFADDEN, Washington, D. C.

DEAR SIR: I read your objection to bringing any more lands under cultivation by irrigation in the Salt Lake Tribune, January 23. You deserve commendation for taking such a stand.

The farmers' grange and all farmers that are aware of conditions are against any more new irrigation projects at this time. We have land enough now to last us another hundred years.

There is a craze to water more land. I am on the Aberdeen Springfield Canal Co. project; have 40 acres; it is going alkalied from too much water, and that is the case on many irrigated projects. Let them drain the projects they now have.

It is safe to say that not more than one-half of the land on most of the projects is being farmed. Farmers are being solicited from one project to another in the United States and Canada; they are moving from one project to another. We have such productive land and soil, improved seed experts in farming in all its branches, experiment stations, agricultural colleges with all their advice, and farm machinery that we can raise a surplus in any kind of a crop we wish.

Markets are all that we need. The European countries are coming along fast, too, with new methods of farming. Our market is getting smaller in that direction, too. I am very glad that you are taking the stand that you do and wish you success. I was born in New York City 65 years ago, and lived there 42 years until coming out here. I like the West.

Very truly yours,

HERMAN RUPP, Aberdeen, Idaho.

Mr. McFADDEN. I may say in addition that as to this proposal, the National Industrial Conference Board is opposed to any reclamation project at this time. The National Grange and the local granges and other farm organizations all over the country are also opposed to this project. I will say also that there is a provision in the present War Department appropriation bill

which authorizes the expenditure of \$600,480, out of which \$60,000 has been already allotted for surveys similar to this, and this very project is now receiving their attention, so that whatever surveys are being made are being carried on by the Federal Government. Why should also the Department of Interior duplicate what the War Department is doing?

Mr. Speaker, I yield to the gentleman from Minnesota [Mr. SELVIG].

The SPEAKER. The gentleman from Minnesota is recognized.

Mr. SELVIG. Mr. Speaker, I ask unanimous consent to extend my remarks on this bill.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. SELVIG. It is unthinkable, Mr. Speaker and Members of the House, for Congress to rush into a tremendous reclamation project at the present time. I know the proponents term the bill (S. 1462) that we are now considering to-day a mere authorization for surveys and investigations, but the real fact is that they have marshaled their forces to hasten the day when actual work will be done on the Columbia Basin reclamation project.

Let us stop and think before this is done. From whence comes this demand? What present or prospective food shortage is so imminent or what prospective food-price level is so high and so attractive that we must rush into this undertaking?

Surely the organized farmers of the State of Washington are not sponsoring this movement. In the face of advice from the United States Department of Agriculture given out on February 15, 1929, in the Agricultural Outlook for 1929, no one can say that there exists a present need or prospective economic necessity for the authorization of this project now.

Throughout this Outlook report there runs one dominant thought, one leading admonition to the country, and that is for the farmers to adjust production to effective demand. "Do not overproduce" is the warning proclaimed.

This advice was so strongly presented and so urgently emphasized that even the Washington Post was constrained to declare that something must be done to remove, if possible, the price-depressing effects of the present surplus production.

I will place in the RECORD here the statement from the Post referred to:

#### FARM OVERPRODUCTION

Farmers are warned in a statement just issued from the Bureau of Agricultural Economics that there must be no overproduction of crops this year if the present level of gross agricultural income is to be maintained. The bureau cautions against expansion in dairying, raising of cattle, sheep, hogs, and fruit. Reduction of the volume of feed crops and potatoes is advised. Spring-wheat farmers are warned that they should not increase the acreage of hard wheat.

\* \* \* The statement amounts to a notice to the farmer that there is no possible way under present conditions to increase his income. If he extends his acreage, or increases his yield per acre, he is faced with the difficulties of overproduction and consequent falling prices. In other words, the only means the farmer has of protecting himself is by limiting his output, which is no protection at all, because he is thus deprived of profits that he otherwise might realize through increased efficiency.

Under present conditions limitation of production of some crops is absolutely necessary to keep agriculture from demoralization. \* \* \* The situation leaves little encouragement for the agricultural population.

While limitation is necessary as an emergency measure, it can never solve the agricultural problem. \* \* \* It is impossible that agriculture should continue half producing merely because there is no machinery to take care of that part of the crop which is not consumed within the country. What would the manufacturers say to limitation of their output? They make their profits because they are able to operate on a large scale. If the farmer is to have an economic opportunity equal to that of industry, the penalty which is now exacted for increased efficiency, resulting in greater production, must be done away with.

The statement of the bureau, while intended only to assist the farmer in solving his difficult problem, is an eloquent argument for farm relief, and its meaning should be heeded by Congress. A system must be adopted that will dispose of surplus farm products.

In the face of the present surplus production the promoters of the Columbia River reclamation project are now asking us to take the step which would eventually add nearly 2,000,000 of additional acres to our present acreage.

It should not be done.

I am in full agreement with Mr. A. S. Goss, State master of the Washington State grange, that to foster irrigation expansion at this time is little short of a crime against the farmers now on the land and an absolute crime against those who may

be induced to go on this land under promises of wealth and independence. Our belief is shared by not less than 95 per cent of the farmers of America, and by many, if not most, of our leading economists.

Nevertheless, if we are wrong—

Says Mr. Goss—

we are willing to be set right. What we ask is what any reasonable man would insist upon if his own private affairs were involved.

We ask that all the facts be ascertained, and that to those best able to obtain them be intrusted the task of doing so. We ask that an economic survey be conducted by the Department of Agriculture designed to develop the fullest possible information as to the prospective need, the chances for successful operation, and the effect of the farmers now on the land, and that no money be spent unless such a survey indicates that the project is economically sound.

Common sense dictates that this procedure be followed. The United States under the leadership of the new administration and the newly elected Congress will grapple with the outstanding problem brought us by the war. The improvement, the rehabilitation of agriculture, can properly be so designated.

Let us not take action to-day which will aggravate this problem. Let us rather, one and all, cooperate in every phase of the solution of the farm problem.

That is what the farmers of the country ask of us. That is what they demand.

To pass this bill to-day would be directly against the farmers' interests. Their authorized spokesmen have so declared. The American Farm Bureau Federation, the National Grange, the State of Washington branch of the grange, the special committee of land-grant colleges and universities, all have gone on record against new reclamation projects.

I do not have time to read their declarations, but will place them in the RECORD.

In its resolutions the American Farm Bureau Federation, which met in Chicago December 12, 1928, declared:

We recommend that no new reclamation areas be brought under cultivation at the present time and that the Bureau of Reclamation be transferred to the United States Department of Agriculture, so that correlation may be had between the bringing in of new productive areas and the demand for additional farm crops.

In its resolutions the National Grange, which met in Washington November 23, 1928, adopted the following resolution:

The grange favors the completion of reclamation projects now under construction, especially where farmers have located on such projects and are suffering from an inadequate supply of water. However, we strongly oppose developing any new projects until there is a reasonable indication of the need for larger farm production.

In its report on the agricultural situation the special committee of the Association of Land Grant Colleges and Universities, which met in Chicago in November, 1927, declared:

Sound national agricultural policy requires that no new reclamation projects be undertaken for a number of years except when international and interstate relationships make national participation imperative.

The business men's commission, which was appointed jointly by the Chamber of Commerce of the United States and the National Industrial Conference Board to study the conditions of agriculture and measures for its improvement, well said in its report:

Since farmers are now suffering from overproduction, it seems worse than futile to spend new millions on reclamation projects with the aim of bringing still more land under cultivation.

What facts have been presented by the proponents of this bill which would justify its enactment at this time?

The report on the bill shows that many surveys and investigations have already been made. There will likely come a time when it will be feasible and proper to secure additional information. But to-day and for a number of years to come, as long as our vexed surplus problem is unsolved, the authorization can wait.

If it were necessary to present additional evidence to this body in support of my position, I would refer you to a circular by Commissioner Elwood Mead, of the Bureau of Reclamation, Economic Problems of Reclamation, recently issued. The entire circular is worth reading.

I can only take time to give a few sentences from this study. On page 6, referring to one of the present projects, the report states:

In spite of this potential privilege, even the most active promotion by the Bureau of Reclamation, in cooperation with the local community and the railways, fails to draw settlers to the unimproved lands.

Every one of the projects visited needs more settlers.



Those who are induced to come to the projects and view the lands, although sometimes disposed to buy improved farms, shrink from the labor and hardship involved in developing raw land.

On page 10 Mr. Johnson, discussing economic aspects of certain reclamation projects, suggests a loan fund from the Government as an inducement to secure settlers. In other words, the Government is being urged not only to advance the money required for irrigation but to apply additional stimulants as well to secure settlers.

Let me quote:

The other proposal entails the creation of a loan fund under the reclamation budget to advance improvement loans to settlers on approval of development, the settler putting in his own money along with the borrowed money in approved proportion. Such a loan would be limited to \$2,500 and would be a first lien on the improved holding. Together with the \$2,000 possessed by the settler, it would offer the minimum capital required for a successful start. It would obviate the years of hardship the settler is now destined to undergo and bring forward the time of full production. It would bring to the projects many valuable farmers who are unwilling to put their families through a prolonged period of inhuman privation.

On page 14 the same Doctor Johnson states fairly the present situation with respect to food production. We can all agree that while the total of the potential competition from the proposed Columbia River Basin is not great, yet it means bringing into production, according to the report, about 1,800,000 acres.

Our big problem is to give our farmers the benefit of the home market for farm products now being produced in this country. Tariff legislation will assist us in doing this.

Adding 1,800,000 acres of land will tend to offset these tariff benefits, to annul them. It will be like going around in a circle—more land, more crops, more stock, a greater surplus, low prices induced by the necessity to dispose of the entire production at the price foreign markets bid for the surplus. American agriculture will never be rehabilitated under such conditions.

Now, let me read what Doctor Johnson states:

When the policy of reclamation was first instituted every economist anticipated a steady and fairly rapid increase in the national and world demand for food. Our own population was increasing at an extraordinary rate through the excess of births over deaths and through unrestricted immigration. In spite of emigration, the population of every country in Europe except France was growing steadily. It appeared, therefore, that both domestic and foreign consumption would put increasing pressure upon our food supplies. A sane national policy seemed to require us to make available for food production such parts of our arid lands as were suitable for irrigation.

To-day the world situation is quite different. We have reduced immigration to a small flow that is almost balanced by emigration, and our birth rate shows a marked tendency to decline. Throughout the country the technique of agriculture is improving and production per man increasing.

It is by no means certain that domestic demand will outrun production on our present area of farm lands in the next half century. The population of our principal foreign customers for agricultural produce—the countries of northwestern Europe—is increasing much less rapidly than it did before the war.

Statisticians assert that within a decade population will be virtually stationary in all Europe north of Italy and west of Poland. At the same time food production in Canada, Australia, and Argentina promises a great expansion.

Let us devote our time and energy, our constructive imagination, our research, and give our aid and support to solving the present, immediate, front-door problems confronting our basic industry—agriculture.

This is the crying need of the hour. I am opposed to this reclamation project at this time and trust that it will be voted down.

Mr. McFADDEN. Mr. Speaker, I yield 10 minutes to the gentleman from Texas [Mr. BLACK].

The SPEAKER. The gentleman from Texas is recognized for 10 minutes.

Mr. BLACK of Texas. Mr. Speaker, this is a Senate bill which authorizes the Secretary of the Interior to make studies, surveys, and investigations and do such engineering as is necessary to determine the lands which should be embraced within the boundaries of the proposed Columbia River reclamation project, and directs the Secretary to make his report not later than December 10, 1931, and authorizes the appropriation of such sums of money as are necessary to carry out the purposes enumerated in the bill.

The following amounts have already been spent in investigating this project: The State of Washington has spent \$172,500.

It is said that the citizens of Washington have spent \$134,000, and the Federal Government appropriated \$100,000 in 1923 and \$25,000 in 1926.

While it is true that this bill only authorizes a survey and an investigation, it is well that Members should bear in mind that the real purpose is to ultimately get through a project which would seek to reclaim nearly 2,000,000 acres of land and if carried out will probably ultimately cost the Government half a billion dollars.

At a time when nearly all classes of farming are staggering under the burden of overproduction and when thousands of acres of good farm lands that do not need any irrigation and are situated where there is ample rainfall are being deeded over to loan companies because farmers are no longer able to earn the interest on the loans, is no time to be talking about bringing in, under the stimulus of Government subsidy, other millions of acres of new land. Without one single dollar of Government artificial stimulation, more land will be brought under the plow by the farmers themselves during the next generation than will be needed, if farming is to be a profitable business.

The best students of the farm problem are agreed that since one of the main difficulties of the farmer is overproduction, there should be no new irrigation and reclamation projects authorized by the Federal Government.

In its report on the agricultural situation, the special committee of the Association of Land Grant Colleges and Universities, which met in Chicago in November, 1927, declared:

Sound national agricultural policy requires that no new reclamation projects be undertaken for a number of years except when international and interstate relationships make national participation imperative.

And the Business Men's Commission, which was appointed jointly by the Chamber of Commerce of the United States and the National Industrial Conference Board to study the condition of agriculture and suggest measures for its improvement, said in its report:

Since farmers are now suffering from overproduction, it seems worse than futile to spend new millions on reclamation projects with the aim of bringing still more land under cultivation.

It is said that organized labor favors this bill. In fact, we have all received letters from William R. Green, president of the American Federation of Labor, urging Congress to pass this bill. Well, with all due respect to him, when did President Green become spokesman for the farmers? What farm organization, representing the real dirt farmers, has asked Congress to enact this bill? Not a single one that I know. On the contrary, some of the leading farm organizations oppose it, as I shall presently show.

I want to have read in my time the statement of a real farm organization upon this project—the statement of Mr. A. S. Goss, the master of the National Grange in the State of Washington, where this project is to be constructed; and I ask unanimous consent that the Clerk may now read in my time this statement of Mr. Goss, who is not only the master of the National Grange of the State of Washington, but is a member of the national executive committee of the National Grange of the United States. Some time ago he published an article entitled "Why the Grange Opposes Columbia Basin." This statement is from that article.

The SPEAKER. Without objection, the Clerk will read the article.

The Clerk read as follows:

#### NOT A FARM MOVEMENT

In our opinion, the whole project is not a farm movement, but an enormous real estate scheme. Should an emergency arise, the land can be put under water in 15 years. General Goethals declared it could be completed in 7 years. There is no indication whatever of the need for more crops. On the contrary, there is every indication of the need for the Government to give protection to the farmer now on the land. One of the supporters of the project recently assured us that we need have no fear, for it would be absolutely impossible to settle the project for generations after it was completed. "What we want," he said, "is to get the Government to spend the money here."

[Laughter.]

#### STOCK ARGUMENT NOT SOUND

The stock argument for the project is that it won't be completed for 20 or 40 years, and we will then need the crops to feed our surplus people. The estimates of increase in population given in the report are not in accord with present trends of birth rates and immigration, but if they were true, the fact remains that when there is some evidence of a food shortage becoming imminent, there will still be plenty of time to complete the project. We are now increasing production on reduced acreages faster than our growth in population. Modern farm practice

points to still further increase in production per acre and points definitely toward increased machine production on nonirrigable lands at costs which can not be met by the hand methods necessary to employ on irrigated farms. Economic pressure is daily placing the irrigated farm at a greater disadvantage, and the only thing to bring relief will be materially higher markets which are not in sight.

Mr. BLACK of Texas. Now, Mr. Speaker, Mr. Goss, who represents a real farm organization, in that article states that this is more of a land-boosting scheme than a plan for the relief of the farmer. To bear that out I want to have read in my time a letter that has been widely sent out by the New Washington Hotel, of Seattle, Wash., advocating this proposition and boosting it.

The SPEAKER. Without objection, the Clerk will read the letter.

The Clerk read as follows:

Friends of the Columbia Basin project have consistently supported the Boulder Dam project, believing that it should have the right of way over the Northwest's reclamation project, due to its priority of conception.

The two projects have equal merit, and now that the Boulder Dam project is assured of a successful completion, the educational work necessary for the passing of this bill should be quickly capitalized for the benefit of the next big western project—the Columbia Basin project.

The owners of the New Washington Hotel, in Seattle, operating hotels in Olympia, Tacoma, Bellingham, and having an interest in the new Mount Baker Lodge, as well as engaging in the pulp, canning, and oyster-raising business, have endeavored for the past two years to give favorable publicity to this bill by the use of the map and data on the reverse side of this sheet.

To this end we are addressing this letter to you and asking that you investigate this worthy measure, and we feel sure that you will become a booster and endeavor to hasten it to an early and favorable vote.

Yours very truly,

NEW WASHINGTON HOTEL.  
By ADOLPH D. SCHMIDT,  
Managing Director.

Mr. BLACK of Texas. Yes; of course, if the Federal Government can be induced to spend \$250,000,000 on this Columbia Basin project, it will be a big thing for the New Washington Hotel at Seattle, and its chain of hotels at Olympia, Tacoma, Bellingham, and Mount Baker Lodge. Therefore, start the propaganda. "Yes, we put Boulder Dam over by propaganda," says this letter, "now, let us get busy and put the Columbia Basin project over by propaganda." Propaganda? Yes. This Government is fast getting to be a government of propaganda. No wonder the economic position of the farmer is getting harder and harder every day. It is going to continue that way until those who represent him in Congress resist the wiles of propaganda and act upon their own judgment and common sense.

It seems to me that the dictates of good judgment and common sense speak in unmistakable terms against any new reclamation or irrigation project by Government aid or subsidy until there is at least some signs that overproduction of the basic farm products is no longer eminent.

Taking that view of the situation, I shall certainly vote against this pending Senate bill, and I sincerely hope it will be defeated. [Applause.]

The SPEAKER. The time of the gentleman from Texas has expired.

Mr. BLACK of Texas. Can the gentleman from Pennsylvania let me have enough time to enable me to finish?

Mr. McFADDEN. I am sorry I have not the time at my disposal, I yield two minutes to the gentleman from New Jersey [Mr. FORT].

The SPEAKER. The gentleman from New Jersey is recognized.

Mr. FORT. Mr. Speaker, this bill in its present form purports to carry a provision for a survey of the economic possibilities of the region to be reclaimed but the language is not broad enough to require the type of survey we should have.

If there is one thing that has been brought home to everyone on the Committee on Agriculture, which has been considering the great problems of agriculture in the past few years, it is that such bills as this should carry a requirement for an economic survey as to the need of any further agricultural lands within the United States. Unless this proposal can be amended so that it shall include a survey of the need of the lands from a national viewpoint, I shall feel compelled personally to oppose it in the interest of agriculture generally. We need less rather

than more agricultural lands in the country and will for many years to come.

Mr. Speaker, I yield back the remainder of my time.

Mr. McFADDEN. Mr. Speaker, I yield the balance of my time to the gentleman from Michigan [Mr. KETCHAM].

The SPEAKER. The gentleman from Michigan is recognized for three and a half minutes.

Mr. KETCHAM. Mr. Speaker, in the limited time at my disposal, of course, I shall be able to say just a word or two; but in the first place, may I make this point—that I believe the survey provided for in this legislation is unnecessary. I hold in my hand a survey completed some time ago and published by the Department of the Interior, which survey was made jointly by the Department of the Interior and the authorities at the Washington State College of Agriculture. I am very certain that every Member of the House who might desire to inform himself as to the possibilities and the probabilities in connection with this whole matter, either from the standpoint of the money involved in it or the returns that are to come from it to the settlers who may be persuaded to take up lands there, would be completely satisfied, upon an investigation of this report, coming, as it does, from friendly people, that the project is a very doubtful one, even if it were launched and the real definite work of construction were undertaken. In the second place, I want to indicate to those of you who are interested in the problem of surplus production some facts I have gleaned from this report having a bearing directly upon the surplus production of the country. Taking a very modest and moderate estimate of the lands that might ultimately be brought into production, there would be produced annually 2,800,000 tons of alfalfa, 6,000,000 bushels of wheat, 12,000,000 bushels of oats, 8,000,000 bushels of barley, and 26,000,000 bushels of potatoes, having a value, approximately, of \$56,000,000 a year. Those are the potentialities of this great project.

Now, in view of the situation that is confronting us concerning surplus production and the multiplication of machinery in connection with agriculture which, as Mr. Goss has said, has already made it possible, with a declining agricultural population, still further to increase our agricultural production, it seems to me that every man who is viewing this question purely from the standpoint of what is best for American agriculture as a whole will not vote even for a survey because a survey, as everyone understands, is just the beginning of the project itself. If you have any doubt about that all you need to do is to go back one year and read the report of the committee itself which was favorable, not to a survey then but to the launching of the project immediately. When this project was frowned upon by the Budget Bureau, then, of course, the next best thing, namely, a survey, was undertaken. So I make the point that we should not favor this bill because the survey is unnecessary and because the report already made shows that the project is uneconomical. [Applause.]

The SPEAKER. The time of the gentleman from Michigan has expired.

Mr. SUMMERS of Washington. Mr. Speaker, I yield two minutes to the gentleman from Nevada [Mr. ARENTZ].

Mr. ARENTZ. Mr. Speaker and colleagues, this bill does not start any project. It merely carries on the investigations that have been carried on for the past 10 years, and it is no more than right to these people of the entire Northwest that we complete the project we have started investigating. We want to investigate the feasibility, the economic and legal phases of this important project. It starts the development of no project. It does not start a ditch or start a dam; it merely investigates the situation existing as to the water rights in Idaho, Montana, Wyoming, Washington, and Oregon. It investigates the economic situation as to whether or not there is a surplus being delivered by the developers of agriculture in the entire Northwest. It goes into the economic phases to determine whether or not this is justifiable, and if it is not justifiable, my friends, I am with all of you in believing that the thing should not be carried on, but I believe that after the investigation has been made we will be in better shape to determine the feasibility of this project than we are at the present time.

I hope this bill passes. I hope you will give this project the thorough investigation, legal, engineering, and economic, that it deserves, and if you do this you will find you have before you conditions that will justify you either in voting for it or against it when it may come up 5 or 10 years hence. [Applause.]

I yield back the balance of my time.

Mr. SUMMERS of Washington. Mr. Speaker, I yield three minutes to the gentleman from Washington [Mr. HILL].

Mr. HILL of Washington. Mr. Speaker and gentlemen of the House, as has been stated, this is not an adoption bill. The



objections to this measure that have been voiced will be met by the investigation for which we are asking at this time.

We are asking for an investigation of the economic phases of this project and the question of whether or not it is desirable at the present time or in the near future to start construction.

I wish I had a little time to go into some of the statements made here by those who have opposed this measure. Our friend, Mr. Goss, has made some statements here, it is true, as read by the gentleman from Texas [Mr. BLACK]. It is the first time I have ever heard that Mr. Goss is a dirt farmer, and I want to call your attention to this fact, too. Some of the people who have opposed farm relief heretofore are against this bill. The farmer's trouble in the disposition of his products lies in the lack of proper marketing machinery. It is not so much a question of surpluses as it is a question of controlling the markets of farm products, and the same farm organization represented by Mr. Goss appeared before the Ways and Means Committee and told that committee that we are shipping the surplus into this country and that it was not the surpluses that were produced here that was causing the depression in agriculture, and they are seeking before that committee remedies through tariff rates to shut out the importation of these surpluses.

This bill would carry out and complete the investigation of one of the greatest projects in this country, a project of national concern which would increase the national wealth and bring in, through the completion of this project, productive lands that will be needed in the years to come.

Every economist who has investigated the matter has said it would not come into full production until 1960 if construction were begun now, and by that time we will have 60,000,000 more people in this country, and that this project will not produce one-half of 1 per cent of the increased production we will need at that time to feed the people of our own country.

It is mere camouflage to say that we are going to increase the production of the farming interests of this country beyond the point of absorption by our own people.

Every country on the face of the earth is developing its farm lands. Are we going to stand still in this country and let the Canadian people, the people of the European countries, of the South American countries, and of Australia bring into production their lands to feed the people of the world, while we stand dumb and motionless and make no progress in an agricultural way?

Why, it is absurd on the face of it. I sincerely hope you will support this measure. [Applause.]

Mr. SUMMERS of Washington. Mr. Speaker, I yield five minutes to the gentleman from Montana [Mr. LEAVITT].

Mr. LEAVITT. Mr. Speaker and Members of the House, nearly all of the discussion so far in opposition to the bill has not been on the bill as it is before the House but on the bill as it passed the Senate.

The gentleman from New Jersey [Mr. FORT] said he would be forced to oppose the bill unless it contained a provision that would call for an economic study to determine whether or not, considering the entire situation of agriculture, this proposed study should be carried on and completed; and in the bill as it is before the House there is exactly that provision.

There has been written in on page 2, following the end of line 7, these words:

And also to investigate whether the said project is feasible and its construction is desirable at this time.

This is now included in the bill as we are acting on it this afternoon, and there is also included in the bill as we are now acting on it another amendment, following line 2, on page 2, stating that this is an authorization for an appropriation out of the reclamation fund, such appropriation to be available only when matched by equal amounts contributed by the State of Washington or by other sources.

These things have been written into the bill as it is before you at this time and since it passed the Senate.

Now, as to the opposition of the National Grange, I would like to see that organization for something sometimes instead of always against what is proposed. [Applause.]

Since I have been in the Congress they have opposed the farm measures that have been brought out by the Committee on Agriculture by offering a counterproposal. And now they come before us in a statement gotten out by Mr. Goss, the State master of the State of Washington, a reprint from the Grange News of January 5, that they are opposing this bill unless it contains certain things. They are opposing the Senate bill. They are saying that—

More important than this—the engineering study—is an economic survey to determine the prospective needs of such an enterprise, the possibility of settling it with farmers who could operate their farms under it successfully, and the effect on the farmers now on the land.

Now, this is exactly what has been written into the House bill, and the only contrary thing that they propose in this statement by Mr. Goss is that the study should be made by the Department of Agriculture rather than the Department of the Interior. But how are we going to take it from the authority of the department that is handling all reclamation matters under our present organization of the bureau?

Mr. CLARKE. Will the gentleman yield?

Mr. LEAVITT. I am sorry.

Mr. CLARKE. So am I. [Laughter.]

Mr. LEAVITT. I will yield if the gentleman has a question; make it brief.

Mr. CLARKE. Whom do you propose shall make this economic survey?

Mr. LEAVITT. It will be made under the direction of the Secretary of the Interior.

Mr. CLARKE. That means the organization of the Reclamation Service?

Mr. LEAVITT. Very likely.

Mr. CLARKE. Do you know in the history of all their surveys of that organization ever turning down such a project?

Mr. LEAVITT. Absolutely so. I am glad the gentleman has asked me that question, because objection was made on the calendar this afternoon to two such bills, one bill (H. R. 10309), to investigate and determine the feasibility of the construction of an irrigation dam on the Bear River in Wyoming, upon which the Secretary of the Interior made an adverse report, and said:

No record is available of any investigation made of conditions in this locality. It appears, however, that some years ago certain investigations were made of the so-called Bear Lake project farther down the river in the States of Idaho and Utah.

Then it goes on with an entirely adverse statement.

Then I have here the bill (H. R. 10308) that has to do with a proposed irrigation project on the Greybull River, in the State of Wyoming, in which they make a distinctly adverse report based on a study just such as is being asked for in this particular case.

Mr. CLARKE. I will put in the Record my apology.

Mr. LEAVITT. So they can not be charged with always bringing in favorable reports regardless of the proposals put before them.

We have before us this afternoon the one question of whether we are going to complete and supplement the study, already under way, of the engineers. There is no question but the project can be built, and the question is whether it ought to be completed now or whether it is soundly economical to build it at all. This bill merely calls for the completion of an economic study and of the legal situation, and to round up facts already assembled nearly \$500,000 has already been spent; \$134,000 came out of the people of the State as individuals and organizations, \$125,000 out of the Government, \$150,000 out of the State of Washington, and the only question now is whether we shall keep faith and complete the study of the project to determine whether it should be built. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. SUMMERS of Washington. Mr. Speaker, I yield three minutes to the gentleman from Michigan [Mr. CRAMTON].

Mr. CRAMTON. Mr. Speaker, no gentleman who is opposing this bill to-day has voted for more measures for the relief of agriculture in the last few years than have I. I subscribe to the doctrine that the way to make the country prosperous and great is to make each part of it prosperous and great. [Applause.] If there is something in the project for the future of the great Northwest to make it more prosperous, I know my State will share in that prosperity. [Applause.]

This House knows that I have not been one to rush into the indorsement of new reclamation programs, and I am not committed to building this project, but I do submit that when the investigation of a great project has been under way for several years, and communities have put up tens of thousands of dollars for investigation, and are now asking you to authorize an appropriation to match what they are willing to contribute, to spend something for the benefit of their part of the country, I say it is narrow; it is mistaken policy of protection for agriculture to say to that section that we will not let you put up more of your own money for further investigation of this particular project.

The bill has been rounded out so as to safeguard it. It requires the department to report whether it is a feasible project, whether it ought to be built, and the money comes from this community. My friend from Pennsylvania seems to indorse such an investigation by the Army. What in the world does the Army know about investigating irrigation?

Mr. McFADDEN. Will the gentleman yield?

Mr. CRAMTON. I can not yield in my limited time, but I can answer my own question: They do not know anything about it. [Laughter.] This money that the Army spends, every cent of it, comes out of the general funds from the Treasury. Any money that is to be spent under this bill to match the contributions of these people comes from the reclamation fund, a fund made up from the proceeds of the resources of the Western States. So far as competition with existing agriculture is concerned, let me observe that wheat and grain can not be profitably produced on expensive irrigated land. Sugar beets can. We do not produce half our own supply of sugar. Increased beet acreage in irrigated areas of the West means increased demand for proper tariff protection for the beet-sugar industry, and that would mean much to Michigan beet growers. I hope this measure will pass. [Applause.]

The SPEAKER. The question is on the motion of the gentleman from Washington to suspend the rules and pass the bill as amended.

The question was taken; and on a division (demanded by Mr. HILL of Washington) there were 130 yeas and 90 noes.

Mr. LEAVITT. Mr. Speaker, I demand the yeas and nays. The yeas and nays were ordered.

The question was taken; and there were—yeas 172, nays 136, not voting 119, as follows:

## [Roll No. 27]

## YEAS—172

Allgood	Cullen	Johnson, Wash.	Reece
Almon	Dallinger	Kahn	Robison, Ky.
Arentz	Darrow	Kemp	Romjue
Aswell	Davenport	Kerr	Rowbottom
Auf der Heide	Davey	Kincheloe	Rutherford
Ayres	Davis	Koroll	Sanders, Tex.
Bankhead	Denison	LaGuardia	Sandlin
Barbour	Dickinson, Mo.	Lampert	Schafer
Beedy	Douglas, Mass.	Lankford	Sears, Fla.
Bell	Drane	Lea	Sears, Nebr.
Berger	Drewry	Leavitt	Shallenberger
Black, N. Y.	Driver	Lindsay	Simmons
Bloom	Edwards	Lozier	Smith
Bowman	Englebright	McCormack	Spearing
Boylan	Eslick	McKeown	Stearns
Brand, Ga.	Evans, Calif.	McMillan	Steele
Briggs	Evans, Mont.	McSweeney	Stevens
Browne	Fisher	Fitzgerald, Roy G.	Summers, Wash.
Browning	Fitzpatrick	Major, Ill.	Swank
Bulwinkle	Free	Major, Mo.	Swing
Busby	French	Manlove	Tarver
Butler	Fulmer	Martin, La.	Taylor, Colo.
Byrns	Gardner, Ind.	Michaelson	Thatcher
Canfield	Garrett, Tenn.	Miller	Tilson
Carley	Gasque	Moore, Ky.	Vinson, Ky.
Cartwright	Goldsborough	Morrow	Ware
Celler	Gregory	Niedringhaus	Warren
Chalmers	Green	Norton, Nebr.	Weaver
Chapman	Greenwood	Norton, N. J.	Welch, Calif.
Clancy	Griffin	O'Brien	White, Colo.
Cochran, Mo.	Hadley	O'Connell	Whittington
Cohen	Hardy	O'Connor, La.	Williams, Ill.
Collier	Harrison	Oldfield	Williams, Tex.
Collins	Hastings	Oliver, Ala.	Wilson, La.
Colton	Hill, Ala.	Parks	Wilson, Miss.
Connelly	Hill, Wash.	Patterson	Wingo
Cooper, Wis.	Howard, Nebr.	Peavey	Winter
Corning	Howard, Okla.	Prall	Wolfenden
Cox	Hull, Morton D.	Quin	Wolverton
Crail	Irwin	Ragon	Wood
Cramton	Jeffers	Rankin	Wright
Crisp	Johnson, Okla.	Rayburn	Wurzbach
Crosser			Yon

## NAYS—136

Ackerman	Foss	Ketcham	Ransley
Bacharach	Frear	Kiess	Robinson, Iowa
Bachmann	Freeman	Knutson	Rogers
Bacon	Gambrill	Kopp	Sabath
Beers	Garrett, Tex.	Kurtz	Sanders, N. Y.
Begg	Gibson	Lanham	Schneider
Black, Tex.	Gilbert	Leatherwood	Seeger
Bland	Glynn	Lehlbach	Selvig
Blanton	Goodwin	Letts	Shreve
Bohn	Graham	Linthicum	Snell
Box	Hale	Luce	Speaks
Brand, Ohio	Hall, Ill.	McFadden	Sprout, Ill.
Brigham	Hall, Ind.	McLeod	Sprout, Kans.
Britten	Hall, N. Dak.	McSwain	Stobbs
Buchanan	Hancock	Magrady	Strong, Pa.
Burdick	Hare	Mapes	Swick
Burtness	Haugen	Martin, Mass.	Taber
Christopherson	Hersey	Menges	Targenhorst
Clague	Hoch	Michener	Thompson
Clarke	Hoffman	Monast	Thurston
Cochran, Pa.	Hogg	Montague	Vestal
Cole, Iowa	Holaday	Moore, Ohio	Vincent, Iowa
Connolly, Pa.	Hooper	Moore, Va.	Vincent, Mich.
Culkin	Hope	Morehead	Vinson, Ga.
Deal	Houston, Del.	Morgan	Wainwright
Dempsey	Huddleston	Nelson, Me.	Wason
Dickinson, Iowa	Hudson	Nelson, Mo.	Watres
Dominick	Jenkins	Newton	Whitehead
Dowell	Johnson, S. Dak.	Palmisano	Wigglesworth
Dyer	Johnson, Tex.	Parker	Williams, Mo.
Elliott	Jones	Perkins	Williamson
Fish	Kading	Porter	Woodruff
Fitzgerald, W. T.	Kearns	Pratt	Woodrum
Fort	Kelly	Purnell	Wyant

## NOT VOTING—119

Abernethy	Doughton	Kent	Reed, Ark.
Addins	Douglas, Ariz.	Kindred	Reed, N. Y.
Aldrich	Doutrich	Kunz	Reid, Ill.
Allen	Doyle	Kvale	Sinclair
Andresen	Eaton	Langley	Sirovich
Andrew	England	Leech	Somers, N. Y.
Anthony	Estep	Lowrey	Stalker
Arnold	Fenn	Lyon	Stedman
Beck, Pa.	Fletcher	McClintic	Strong, Kans.
Beck, Wis.	Fulbright	McLaughlin	Strother
Boies	Furlow	McReynolds	Sullivan
Bowles	Gafford	Maas	Summers, Tex.
Buckbee	Garner, Tex.	Mansfield	Taylor, Tenn.
Bushong	Gifford	Mead	Temple
Campbell	Golder	Merritt	Tillman
Cannon	Griest	Milligan	Timberlake
Carew	Guyer	Mooney	Tinkham
Carss	Hammer	Moore, N. J.	Treadway
Carter	Hawley	Moorman	Tucker
Casey	Hickey	Morin	Underhill
Chase	Hudspeth	Murphy	Underwood
Chindblom	Hughes	Nelson, Wis.	Udike
Cole, Md.	Hull, Tenn.	O'Connor, N. Y.	Watson
Combs	Hull, William E.	Oliver, N. Y.	Weller
Connally, Tex.	Igoe	Palmer	Welsh, Pa.
Cooper, Ohio	Jacobstein	Peery	White, Kans.
Crowther	James	Pou	White, Me.
Curry	Johnson, Ill.	Quayle	Yates
DeRouen	Johnson, Ind.	Rainey	Zihlman
Dickstein	Kendall	Ramseyer	

So (two-thirds not having voted in favor thereof) the motion was rejected.

The Clerk announced the following pairs:

On the vote:

Mr. Nelson of Wisconsin and Mr. Carew (for) with Mr. Andresen (against).

Mr. James and Mr. Somers of New York (for) with Mr. Strong of Kansas (against).

Mr. Curry and Mr. Sullivan (for) with Mr. Johnson of Indiana (against).

Mr. Dickstein and Mr. Oliver of New York (for) with Mr. Arnold (against).

Mr. Quayle and Mr. Mead (for) with Mr. Buckbee (against).

Mr. Kindred and Mr. Sirovich (for) with Mr. Lowrey (against).

Until further notice:

Mr. Hawley with Mr. Garner.  
 Mr. Treadway with Mr. Rainey.  
 Mr. Timberlake with Mr. Hall of Tennessee.  
 Mr. Chindblom with Mr. Doughton.  
 Mr. Crowther with Mr. Hudspeth.  
 Mr. McLaughlin of Michigan with Mr. Casey.  
 Mr. Watson with Mr. Abernethy.  
 Mr. Estep with Mr. Mooney.  
 Mr. Ramseyer with Mr. Peery.  
 Mr. Beck of Pennsylvania with Mr. Lyon.  
 Mr. Underhill with Mr. Summers of Texas.  
 Mr. White of Maine with Mr. Igoe.  
 Mr. Atkins with Mr. Moorman.  
 Mr. Kendall with Mr. Combs.  
 Mr. Boies with Mr. McClintic.  
 Mr. Merritt with Mr. Cannon.  
 Mr. Reid of Illinois with Mr. Mansfield.  
 Mr. Murphy with Mr. Pou.  
 Mr. Taylor of Tennessee with Mr. Douglas of Arizona.  
 Mr. Fenn with Mr. Kent.  
 Mr. Temple with Mr. Fulbright.  
 Mr. Golder with Mr. Kunz.  
 Mr. Eaton with Mr. Underwood.  
 Mr. Griest with Mr. Weller.  
 Mr. Chase with Mr. Connally of Texas.  
 Mr. Aldridge with Mr. Milligan.  
 Mr. Hickey with Mr. DeRouen.  
 Mr. Zihlman with Mr. McReynolds.  
 Mr. Leech with Mr. Cole of Maryland.  
 Mr. Reed of New York with Mr. Moore of New Jersey.  
 Mr. Palmer with Mr. Tucker.  
 Mr. Cooper of Ohio with Mr. Hammer.  
 Mr. Gifford with Mr. Fletcher.  
 Mr. Campbell with Mr. Doyle.  
 Mr. Allen with Mr. O'Connor of New York.  
 Mr. Hughes with Mr. Stedman.  
 Mr. Johnson of Illinois with Mr. Reed of Arkansas.  
 Mr. Sinclair with Mr. Tillman.  
 Mrs. Langley with Mr. Jacobstein.  
 Mr. Bowles with Mr. Kvale.  
 Mr. Garber with Mr. Carss.

Mr. CAMPBELL. Mr. Speaker, I came in the door and heard the name of Mr. BUSBY called, but did not hear any other.

The SPEAKER. The gentleman must have been present in the Chamber when his name was called in the first place.

Mr. CAMPBELL. I do not know whether I was or not.

The SPEAKER. The gentleman does not qualify.

The result of the vote was announced as above recorded.

Mr. SUMMERS of Washington. Mr. Speaker, I ask unanimous consent that those who spoke on the bill may have the privilege of extending their remarks in the Record.

The SPEAKER. The gentleman from Washington asks unanimous consent that those who spoke on the bill may extend their remarks in the Record. Is there objection.

There was no objection.

## TO CREATE A TENTH JUDICIAL CIRCUIT

Mr. GRAHAM. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 16658) to amend sections 116, 118, and



126 of the Judicial Code, as amended, to divide the eighth judicial circuit of the United States, and to create a tenth judicial circuit, which I send to the desk and ask to have read.

The Clerk read as follows:

*Be it enacted, etc.,* That section 116 of the Judicial Code, as amended (U. S. C. title 28, sec. 211), is amended to read as follows:

"Sec. 116. There shall be 10 judicial circuits of the United States, constituted as follows:

"First. The first circuit shall include the districts of Rhode Island, Massachusetts, New Hampshire, Maine, and Porto Rico.

"Second. The second circuit shall include the districts of Vermont, Connecticut, and New York.

"Third. The third circuit shall include the districts of Pennsylvania, New Jersey, and Delaware.

"Fourth. The fourth circuit shall include the districts of Maryland, Virginia, West Virginia, North Carolina, and South Carolina.

"Fifth. The fifth circuit shall include the districts of Georgia, Florida, Alabama, Mississippi, Louisiana, and Texas.

"Sixth. The sixth circuit shall include the districts of Ohio, Michigan, Kentucky, and Tennessee.

"Seventh. The seventh circuit shall include the districts of Indiana, Illinois, and Wisconsin.

"Eighth. The eighth circuit shall include the districts of Minnesota, North Dakota, South Dakota, Iowa, Nebraska, Missouri, and Arkansas.

"Ninth. The ninth circuit shall include the districts of California, Oregon, Nevada, Washington, Idaho, Montana, Hawaii, and Arizona.

"Tenth. The tenth circuit shall include the districts of Colorado, Wyoming, Utah, Kansas, Oklahoma, and New Mexico."

SEC. 2. Section 118 of the Judicial Code, as amended (U. S. C. title 28, sec. 213; 45 Stat. L. 492; Public No. 664, 70th Cong.), is amended to read as follows:

"SEC. 118. There shall be in the sixth, seventh, and tenth circuits, respectively, four circuit judges; and in the second and eighth circuits, respectively, five circuit judges; and in each of the other circuits three circuit judges, to be appointed by the President, by and with the advice and consent of the Senate. Each circuit judge shall receive a salary of \$12,500 a year, payable monthly. Each circuit judge shall reside within his circuit, and when appointed shall be a resident of the circuit for which he is appointed. The circuit judges in each circuit shall be judges of the circuit court of appeals in that circuit, and it shall be the duty of each circuit judge in each circuit to sit as one of the judges of the circuit court of appeals in that circuit from time to time according to law. Nothing in this section shall be construed to prevent any circuit judge holding district court or otherwise, as provided by other sections of the Judicial Code."

SEC. 3. Section 126 of the Judicial Code, as amended (U. S. C. title 28, sec. 223; U. S. C. Sup. I, title 28, sec. 223); is amended to read as follows:

"SEC. 126. A term shall be held annually by the circuit courts of appeals in the several judicial circuits at the following places, and at such times as may be fixed by said courts, respectively: In the first circuit, in Boston, and when in its judgment the public interests require in San Juan, P. R.; in the second circuit, in New York; in the third circuit, in Philadelphia; in the fourth circuit, in Richmond and in Asheville, N. C.; in the fifth circuit, in New Orleans, Atlanta, Fort Worth, and Montgomery; in the sixth circuit, in Cincinnati; in the seventh circuit, in Chicago; in the eighth circuit, in St. Louis, Omaha, and St. Paul; in the ninth circuit, in San Francisco, and each year in two other places in said circuit to be designated by the judges of said court; in the tenth circuit, in Denver, Wichita, and Oklahoma City, provided that suitable rooms and accommodations for holding court at Oklahoma City are furnished free of expense to the United States; and in each of the above circuits terms may be held at such other times and in such other places as said courts, respectively, may from time to time designate, except that terms shall be held in Atlanta on the first Monday in October, in Fort Worth on the first Monday in November, and in Montgomery on the third Monday in October. All appeals and other appellate proceedings which may be taken or prosecuted from the district courts of the United States in the State of Georgia, in the State of Texas, and in the State of Alabama, to the circuit court of appeals for the fifth judicial circuit shall be heard and disposed of, respectively, by said court at the terms held in Atlanta, in Fort Worth, and in Montgomery, except that appeals in cases of injunctions and in all other cases which, under the statutes and rules, or in the opinion of the court, are entitled to be brought to a speedy hearing, may be heard and disposed of wherever said court may be sitting. All appeals and other appellate proceedings which may be taken or prosecuted from the district court of the United States at Beaumont, Tex., to the circuit court of appeals for the fifth circuit, shall be heard and disposed of by the said circuit court of appeals as the terms of court held at New Orleans, except that appeals in cases of injunctions and in all other cases which, under the statutes and rules, or in the opinion of the court, are entitled to be brought to a speedy hearing, may be heard and disposed of wherever said court may be sitting."

SEC. 4. Any circuit judge of the eighth circuit as constituted before the effective date of this act, who resides within the eighth circuit as

constituted by this act, is assigned as a circuit judge to such part of the former eighth circuit as is constituted by this act the eighth circuit, and shall be a circuit judge thereof; and any circuit judge of the eighth circuit as constituted before the effective date of this act, who resides within the tenth circuit as constituted by this act, is assigned as a circuit judge of such part of the former eighth circuit as is constituted by this act the tenth circuit, and shall be a circuit judge thereof.

SEC. 5. Where before the effective date of this act any appeal or other proceeding has been filed with the circuit court of appeals for the eighth circuit as constituted before the effective date of this act—

(1) If any hearing before said court has been held in the case, or if the case has been submitted for decision, then further proceedings in respect of the case shall be had in the same manner and with the same effect as if this act had not been enacted.

(2) If no hearing before said court has been held in the case, and the case has not been submitted for decision, then the appeal, or other proceeding, together with the original papers, printed records, and record entries duly certified, shall, by appropriate orders duly entered of record, be transferred to the circuit court of appeals to which it would have gone had this act been in full force and effect at the time such appeal was taken or other proceeding commenced, and further proceedings in respect of the case shall be had in the same manner and with the same effect as if the appeal or other proceeding had been filed in said court.

SEC. 6. This act shall take effect 30 days after its enactment.

The SPEAKER. Is a second demanded? If not, the Chair will put the question. The question is on the motion of the gentleman from Pennsylvania to suspend the rules and pass the bill.

The question was taken; and in the opinion of the Chair, two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

#### AIR MAIL FROM UNITED STATES TO FOREIGN COUNTRIES, ETC.

Mr. KELLY. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 16131) to enable the Postmaster General to make contracts for the transportation of mails by air from possessions or Territories of the United States to foreign countries and to the United States and between such possessions or Territories, and to authorize him to make contracts with private individuals and corporations for the conveyance of mails by air in foreign countries," which I send to the desk and ask to have read.

The Clerk read as follows:

*Be it enacted, etc.,* That the act of March 8, 1928, entitled "An act to grant authority to the Postmaster General to enter into contracts for the transportation of mails by air to foreign countries and insular possessions of the United States for periods of not more than 10 years and to pay for such service at fixed rates per pound or per mile, and for other purposes," be, and the same is hereby, amended to read as follows:

"SECTION 1. When in his judgment the public interest will be promoted thereby the Postmaster General is authorized to enter into contracts for air-mail service on routes between the United States and possessions or Territories of the United States, between possessions or Territories of the United States, between the United States or possessions or Territories of the United States and foreign countries, and in and between foreign countries, for the transportation of mails of the United States and its possessions or Territories both ways over the routes, and in addition thereto mails of other countries on the outbound or the inbound flights under arrangements he may make with such countries, for periods of not more than 10 years, and to pay for such service at fixed rates per pound and/or per mile; and the Postmaster General is hereby authorized to award such contracts to the bidders that he shall find to be the lowest responsible bidders that can satisfactorily perform the service required to the best advantage of the Government: *Provided*, That the rate to be paid for such service for the load of mails provided by the Postmaster General to be carried in a plane shall not in any case exceed \$2 per mile each way, plus not exceeding \$1 per pound per thousand miles, or pro rata thereof for greater or less mileage, for any mails required to be carried in the same plane in excess of the specified load, and that, at the request of the Postmaster General, domestic mail shall be conveyed without additional charge on that part of the route in the United States to the border of the United States and to intermediate points: *Provided further*, That the Postmaster General may make arrangements with concessionaires operating air-mail service in foreign countries for transportation by their service of mails of the United States and its possessions or Territories: *And provided further*, That in the award and interpretation of the contracts herein authorized the decision of the Postmaster General shall be final and not subject to review by any officer or tribunal of the United States except by the President and the Federal courts.

"SEC. 2. The Postmaster General shall make and issue such rules and regulations as may be necessary to carry out the provisions of this act.

"SEC. 3. All contracts heretofore made by the Postmaster General under section 1 of the act of March 8, 1928, entitled 'An act to grant authority to the Postmaster General to enter into contracts for the transportation of mails by air to foreign countries and insular possessions of the United States for periods of not more than 10 years and to pay for such service at fixed rates per pound or per mile, and for other purposes,' as originally enacted, may be amended under agreement of the parties thereto so as to provide for the transportation of excess mails and for transportation not covered by the existing contract of mails of the United States and its possessions or Territories or of foreign countries, at not exceeding the contract rate per mile and not exceeding the rates per pound provided in section 1 hereof for excess mails."

The SPEAKER. Is a second demanded? If not, the Chair will put the question. The question is on the motion of the gentleman from Pennsylvania to suspend the rules and pass the bill.

The question was taken; and in the opinion of the Chair, two-thirds having voted in favor thereof, the rules were suspended, and the bill was passed.

#### GRAND TETON NATIONAL PARK, WYO.

Mr. COLTON. Mr. Speaker, I move to suspend the rules and pass the bill S. 5543, to establish the Grand Teton National Park in the State of Wyoming, and for other purposes, as amended, which I send to the desk and ask to have read.

The Clerk read as follows:

*Be it enacted, etc.,* That the tract of land in the State of Wyoming particularly described by metes and bounds as follows, to wit:

Beginning at the northwest corner of township 44 north, range 115 west, of the sixth principal meridian; thence southerly along the west line of said township to the northeast corner of section 12, township 44 north, range 116 west; thence westerly to the northwest corner of the northeast quarter northeast quarter section 12; thence southerly and westerly, respectively, on quarter-quarter section lines to the southwest corner of said section 12; thence southerly to the southwest corner of the northwest quarter northwest quarter section 13; thence easterly to the northeast corner of the southwest quarter northeast quarter section 13; thence southerly on the east quarter-quarter section lines of sections 13, 24, and 25, to the southwest corner of the northeast quarter northeast quarter section 25; thence westerly and southerly, respectively, on quarter-quarter section lines to the northwest corner of the southwest quarter southwest quarter section 25; thence westerly to the northwest corner of the southwest quarter southeast quarter section 26; thence southerly to the southwest corner of the southeast quarter section 26; thence westerly to the southwest corner of the southwest quarter southwest quarter section 26; thence southerly to the southwest corner of the northeast quarter southwest quarter section 35; thence easterly to the northeast corner of the southwest quarter southeast quarter section 35; thence southerly to the southeast corner of the southwest quarter southeast quarter section 35, all in township 44 north, range 116 west; thence westerly to the northeast corner of the northwest quarter section 2, township 43 north, range 116 west; thence southerly on mid-section lines of sections 2, 11, and 14, to the northwest corner of the southeast quarter section 14; thence easterly to the northeast corner of the northwest quarter southeast quarter section 14; thence southerly on east quarter-quarter section lines of sections 14, 23, 26, and 35, all in township 43 north, range 116 west, to the right bank of South Fork Snake River; thence westerly along said bank to its intersection with the north line of township 42 north, range 116 west; thence westerly along said township line to the northwest corner of said township; thence southerly along the west line of said township to its intersection with the main hydrographic divide immediately south of Granite Canyon; thence southwestwardly along said divide to its intersection with the main hydrographic divide formed by the crest of the Teton Mountains; thence northerly along said divide, between the headwaters of Moose Creek and Granite Canyon, Fox Creek and Open Canyon, Dirby Creek and Death Canyon, Teton Creek and Taggart and Glacier Creeks, Leigh Creek and Leigh Canyon, Badger Creek and Moran Canyon, to a point where said divide intersects the main hydrographic divide immediately south and southeast of Webb (Moose) Canyon; thence northeasterly along the last-mentioned divide to its intersection with the projected east quarter-quarter section line of what will probably be when surveyed section 7, township 46 north, range 115 west; thence southerly along said line to the northwest corner of the southeast quarter southeast quarter 7; thence westerly to the northwest corner of the southwest quarter southeast quarter section 7; thence southerly on projected mid-section lines of probable sections 7, 18, 19, and 30, to the southwest corner of the northeast quarter section 30; thence westerly to the southeast corner of the southwest quarter northwest quarter section 30; thence southerly to the southeast corner of the northwest quarter southwest quarter section 30; thence westerly to the southwest corner of the northwest quarter southwest quarter section 30, all of township 46 north, range 115 west; thence southerly on projected west line of said township and the west line of township 45 north, range 115 west, to the southwest corner of section 6, township 45 north, range 115 west;

thence westerly on projected north line of what will probably be when surveyed section 12, township 45 north, range 116 west, to the northeast corner of the northwest quarter northwest quarter section 12; thence southerly to the southeast corner of the southwest quarter northwest quarter section 12; thence westerly to the southeast corner of the southwest quarter northwest quarter probable section 11; thence southerly to the northeast corner of the southwest quarter southwest quarter section 11; thence westerly to the northwest corner of the southwest quarter southwest quarter section 11; thence southerly on projected west lines of probable sections 11 and 14 to the southwest corner of said section 14; thence easterly to the northeast corner of the northwest quarter northwest quarter probable section 23; thence southerly to the southeast corner of the northwest quarter northwest quarter section 23; thence easterly to the southwest corner of the northeast quarter of the northeast quarter section 23; thence southerly to the southwest corner of the southeast quarter northeast quarter section 23; thence easterly to the southeast corner of the northeast quarter section 23; thence southerly on projected east lines of probable sections 23 and 26 to the northeast corner of the southeast quarter southeast quarter section 26; thence eastward to the northeast corner of the southeast quarter southeast quarter section 25, all in township 45 north, range 116 west; thence easterly to the northeast corner of the southeast quarter southwest quarter section 30, township 45 north, range 115 west; thence southerly on mid-section lines of sections 30 and 31, to the south line of section 31, said township; thence easterly to place of beginning, is hereby reserved and withdrawn from settlement, occupancy, or disposal under the laws of the United States, and dedicated and set apart as a public park or pleasure ground for the benefit and enjoyment of the people of the United States under the name of the Grand Teton National Park of Wyoming: *Provided*, That no new roads shall be constructed and no hotels or permanent camps shall be established on such lands, except under authority of appropriations specifically made therefor by Congress, but nothing herein shall be held to restrict the establishment and construction of trails on said land.

SEC. 2. That the provisions of the act of August 25, 1916, entitled "An act to establish a national park service, and for other purposes," and all acts supplementary to and amendatory of said act, are made applicable to and extended over the lands hereby included in said Grand Teton National Park: *Provided*, That under rules and regulations to be prescribed by the Secretary of the Interior, any bona fide claimant or entryman claiming or owning lands reasonably adjacent to the lands in said park shall have the right to graze upon land in said park reasonably adjacent to the lands claimed or owned by him, such number of livestock as he has been accustomed to so graze in the past, or as may be reasonably necessary to the conduct of his business, and shall also have the right, subject to such rules and regulations, to secure dead or down timber from park lands for use in the conduct of such business.

SEC. 3. That the provisions of the act of June 10, 1920, entitled "An act to create a Federal Power Commission, to provide for the improvement of navigation, the development of water power, the use of the public lands in relation thereto, and to repeal section 18 of the river and harbor appropriation act, approved August 8, 1917, and for other purposes," shall not apply to or extend over the land hereby reserved and dedicated as the Grand Teton National Park.

SEC. 4. That nothing herein contained shall affect any valid existing claim, location, or entry under the land laws of the United States, whether for homestead, mineral, right of way, or any other purposes whatsoever, or shall affect the right of any such claimant, locator, or entryman to the full use and enjoyment of his land.

SEC. 5. That the appropriations heretofore and hereafter made available for the administration, protection, and maintenance of the Yellowstone National Park shall also be available for these purposes for the Grand Teton National Park of Wyoming unless said park is otherwise provided for by act of Congress.

The SPEAKER. Is a second demanded? If not the Chair will put the question. The question is on the motion of the gentleman from Utah to suspend the rules and pass the bill as amended.

The question was taken; and in the opinion of the Chair, two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

#### ADDRESS OF HON. HAMPTON P. FULMER

Mr. DOMINICK. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a speech delivered by my colleague [Mr. FULMER] over the radio Saturday night.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina? [After a pause.] The Chair hears none.

Mr. DOMINICK. Mr. Speaker, under the leave granted to me to extend my remarks in the RECORD, I herewith insert an address delivered by Hon. HAMPTON P. FULMER of Orangeburg, S. C., over the radio on Saturday evening, February 16.



The matter referred to is as follows:

I have always contended that the Congress of the United States should go very slow in passing legislation seeking to put Government into business or that would tend to set up machinery, boards and commissions to regulate private or public business, but what is the Congress to do when men in business and corporations openly and in a high-handed way, disregard the laws of the land, as well as God, and without regard for legitimate business ethics and the interests of the public? We read much of late, and especially during the recent campaign about the prosperity in the United States. It was shouted near and far over the radio by every campaign speaker of the Republican Party: "Prosperity, prosperity." You can hardly listen in on any of the large broadcasting stations owned and controlled by large corporations without hearing something about prosperity. I admit that there is much prosperity in the United States to-day, but, my friends, it is only in spots, and the recipients of this prosperity are small, well-organized groups—in many instances speculators and gamblers on the stock and produce exchanges.

What about the independent and small banking units of the country? Why, they are gradually being bought up and frozen out. It won't be long before this country will be in line with Canada—just a few mother banks, with thousands of branches all over the country. Every day you note from the press the merging of large banking institutions and the taking over of banks as branches, or opening branches where other banks have gone down. These small groups controlling these large banks and branches will not only in the near future control the finances of the country, the Federal reserve system, but they will be able to control, as they largely do now, the administration in charge of running the Government of the United States. Look what is being done in the way of merging the large automobile corporations, and how they are taking over other small concerns or forcing them out of business. The months will not be many before the large railroad interests will have the large lines merged and will either force out or buy up the short lines, and thereby, under special legislation, at the expense of the shipper, agriculture, and the consumer, will be able to continue fixing freight rates under the Interstate Commerce Commission—a board that seems to be owned and controlled by them—whereby they can extend their prosperity that the old-line roads have been enjoying since the passage of special legislation for them.

Why, my friends, in the last Congress, certain Members of the House tried very hard to put over a bill setting up a rubber corporation, stating that it was the intention to have this rubber corporation function in the interest of consumers of rubber goods so as to protect them from certain rubber combinations in Great Britain, whereas at the time this bill was up for consideration the price of rubber had declined from about \$1.10 to 25 cents, and since that time rubber has had further declines, and I think to-day is selling for about 18 cents.

What I really want to speak to you about is the manner in which the speculators and gambling groups are merging, pooling their money and tricks in trade, sending out propaganda in every imaginable manner and form, over the radio and through other channels, that bid fair not only to bring disaster to legitimate business, but untold hardships and poverty to millions of people who invest in bonds and stocks for investment, and to those who have to borrow money for legitimate business and for agricultural needs, both producing and marketing farm products. I want to give you some far-reaching facts as to the above statement, and as to the effect it is having and will have when we allow the speculative and gambling interests, as we have during the past year, and especially during the past several months, to run wild on the exchanges, fixing prices and paper values on stocks, bonds, and agricultural products, regardless of their true value based on their actual values, according to the earnings of the corporations whose stocks and bonds they deal in and on actual supply and demand for farm products.

On February 1, when the first advance was made in rediscounts by the Federal reserve, following the 3½ per cent rate established the previous August in the interest of credit stabilization in Europe, the average price of a list of 75 railroad, public utility, and industrial stocks selected for this argument was 94. On July 10, when the maximum strictures of the Federal reserve on speculation were reached in a 5 per cent rediscount rate, the average price of these 75 issues was 105. It will be noticed that during the interval of over five months, which included the madly ascending markets of March and May and the collapse of June, there had been an increase in the average of only 11 points.

It might appear, therefore, that Wall Street had given heed to the voice of bankers raised against inordinate speculation and concretely hindered by an advance in discounts from 3½ to 5 per cent. But it is to be remembered that this was a period not altogether favorable to the promotion of speculation, for trade was dull in the first quarter of the year, there was a great deal of unemployment, gold was going out rapidly, and election uncertainties were looming on the horizon. The size of brokers' loans then was more seriously considered than it was some months later when they were 40 per cent higher.

If the governors of the Federal reserve had had the power to reverse their policy they would probably have made their discount rate in

March 4½ per cent instead of 4 per cent, and that of July at least 5½ per cent and possibly 6 per cent. Some of them freely admit to-day that they were too timid and too fearful of the effect on commercial loans when they established the July figure. There is, however, serious doubt, in view of subsequent manifestations of speculative insanity on the part of the American public, whether a 6 per cent discount rate last summer would have been effective in curbing the market excesses of October and November.

#### "COOLIDGE" AND "HOOVER" MARKETS

What happened was that following the 5 per cent rate in July and within a period of the most stringent money conditions that the country had witnessed since 1920—call money 12 per cent, time loans 8 per cent—the average price of stocks, which was 94 in February and 105 in July, had risen to 145 at the end of November. It was then higher than ever before with a sheer rise of 125 per cent since the "Coolidge market" began to be later absorbed and overshadowed by the "Hoover market."

From the middle of August to the end of November there was a stock average advance of 37½ points, with a 353,000,000-share turnover.

At the end of 1927 brokers' loans were \$3,717,000. In the second week of July they had risen to \$4,242,000,000. From then to the first week of December there was a steady rise, growing more rapid as the movement culminated, until loans reached approximately \$5,400,000,000, an increase in five months of nearly 30 per cent.

We are told that because of these attractive rates on call money, reaching 12 per cent, lenders of money from every important financial center in Europe have turned their money into these speculative and gambling channels. I admit it has been hard for the banking interest, especially in the South and West, to make money for the past eight years, because of the deplorable condition of agriculture; therefore, with the call money reaching such a high peak, naturally banks in these sections invest their money where demand is rampant, rates high, and income good. This is also true of men who have large savings deposits where they get from 3 to 5 per cent thereon; they draw down their savings and invest them in these stocks and bonds, because of the attractive paper value, as shown by the daily press, and by every conceivable means of propaganda. On one hand, this is a mighty fine business; but there is another side to the picture because of speculation being allowed to run wild, pushing rates on call money as high as 12 per cent. In the first place, as I have stated, it brought about an increase in rediscount rates in the Federal reserve bank, in 1928 over 1927, of about 43 per cent. This increase had to be paid by member banks and passed on or taken from their profits. It is generally understood that the Federal Reserve Board had in mind increasing rates 1 per cent higher, or to 6 per cent, but they were fearful of another 1920 deflation setting in and destroying completely business and finishing agriculture. I want to give you here some interesting figures as given out by John F. Sinclair and others about December 10:

"TWELVE STOCKS SHRINK \$1,317,500,000 IN MARKET VALUE WITHIN SIX DAYS

"By John F. Sinclair

"NEW YORK, December 10.—To show more vividly how complete the smash was in Wall Street last week, losses in paper profits of one dozen corporations picked at random from the big board are here given:

National Biscuit	\$32,200,000
Chrysler	37,400,000
Anaconda Copper	46,900,000
Kennecott Copper	67,400,000
Du Pont	90,500,000
Montgomery Ward	91,300,000
Consolidated Gas	96,100,000
United States Steel	97,800,000
Sears, Roebuck	120,200,000
Radio Corporation of America	124,400,000
General Electric	137,000,000
General Motors	376,300,000

"These 12 stocks in just five and one-half days shrank in market value \$1,317,500,000. This is equal to the assessed valuation of the real estate of Butte, Mont.; Atlanta, Ga.; Birmingham, Ala.; Louisville, Ky.; and New Orleans, La., combined.

"This list of 12 stocks by no means covers any great percentage of the active stocks, but it is a fairly representative list out of the 1,500 traded in on the New York Stock Exchange.

"Has the bottom been reached? Already tens of thousands of market operators have been wiped out. An average drop of another five points would wipe out other thousands of small speculators in all parts of the United States and Canada.

"The bears are jubilant, for it is their first substantial feast in six months."

"STOCK PRICE RALLY SMASHED BY BEARS—EARLY GAINS OF LEADERS ARE WIPED OUT AS SELLING IS RESUMED

"By the Associated Press

"NEW YORK, December 10.—Violent breaks in the high-priced specialties unsettled the stock market again to-day after an opening outburst of strength in which nearly a score issues were elevated \$5 to \$23 a share.

"Unconfirmed rumors that organized buying support for the stock market had been arranged at a meeting of leading bankers Saturday afternoon started a spectacular rally in prices at the opening in which several issues quickly advanced \$5 to \$23 a share. Radio, which broke \$72 a share in Saturday's brief session, opened \$14 a share higher at \$310 and rapidly moved up to \$314.

"International Harvester, which dropped \$61.50 a share on Saturday, opened with a gain of \$23 a share. National Tea advanced \$10 a share, Victor Talking Machine, \$8, American Smelting and Columbia Graphophone, \$5 each, Kennecott Copper, \$4.62½, General Motors, \$4.50, and General Electric, du Pont, International Telephone, American Can, Liquid Carbons and Commercial Solvents recorded initial gains of \$2 or more. Montgomery-Ward dropped \$4 on the first sale but quickly recovered its loss.

"There was still some evidence of forced liquidation, although there were comparatively few large blocks in the early trading. One block of 12,000 shares of Missouri-Kansas-Texas Railroad common changed hands at \$47.87½, a drop of 50 cents.

"According to Wall Street gossip, the meeting of bankers was held at the offices of J. P. Morgan & Co., Saturday afternoon, but at the Morgan offices it was said nothing was known of such a meeting. Inquiries among officials of other leading banks also failed to throw any light on such a meeting, but it was pointed out that rumors of "bankers support" invariably crop out after every big crash in prices.

"Although many individuals undoubtedly had taken severe losses in the three days' reaction last week which wiped out billions of dollars in quoted values, no fears were entertained in banking quarters of any important financial casualties. Practically all the leading commission houses had raised their margins on speculative accounts to a minimum of 25 per cent before the crash, and several of the large ones are reported to have raised the average of their margins to close to 40 per cent."

#### "WESTERN TRADERS HARD HIT BY BREAK IN STOCK PRICES"

"Special dispatch to the Star

"NEW YORK, December 10.—With Saturday's decline in the stock market the break in prices which began on November 30, after the high average of the year had been established, equals the only other slump in the market this year—that which occurred last June.

"The force of the selling movement, however, was more violent last week than it was in June, for it took the market from about the end of May to the latter part of June to bring about an average break of nearly 18 points, whereas since this decline started on the last day of November there was an average loss of approximately 17 points.

"This is explained in two ways. First, by the fact that the general average of stocks on November 30 was about 45 points higher than at the end of June, and, second, by the number of people speculating on the last great rise, which has been estimated as at least 50 per cent greater than when the market was in its earlier stages.

"Once more it has been the western public that has had to throw over stocks unless it had the resources to put up additional capital. The heaviest liquidation of the three days last week came from the stock-exchange houses with nation-wide wire systems and those especially active with clients from Chicago west to the Pacific coast. It was this same clientele that was most badly hurt last spring, when the market broke following the collapse in the Giannini bank and investment trust securities."

#### "FORBES HOLDS STOCKS STILL TOO HIGH"

"By R. C. Forbes

"Very harshly it has been brought home to many that they really were suffering from speculative delirium tremens. When the writer sounded the warning, "the higher they rise the harder they fall," he was deluged with ridicule."

#### "LOW COMMERCIAL PAPER RATES IS AIM OF FEDERAL RESERVE"

"Special dispatch to the Star

"NEW YORK, December 21.—The rate for bankers' acceptances yesterday was moved up to about a parity with the Federal reserve rediscount rate. This ordinarily would mean that the rediscount rate also might be raised, for in banking practice a spread of from one-quarter to one-half per cent is generally maintained.

"Between now and the end of December interest rates, not only in New York but in European money markets, are expected to advance sharply. The Bank of England has reported a heavy decline in its reserve ratio, due to withdrawals of gold, which suggested the possibility of an advance in its discount rate above 4½ per cent. This has been talked of for some time, but resisted by influential leaders in the English banking and industrial world. Such an advance would have a tendency to check the loaning of foreign capital in the New York market at the existing high rates."

Is it not high time for Congress to do something to curb these "big boys" who are robbing the public and bid fair to wreck business unless some regulatory measure is passed by the Congress?

Is it fair to put out propaganda that would tend to make the best of us bite, hoping that we may be able to make some easy money, so as to be able to be counted as one of those who are enjoying this prosperity that we hear so much about, which brings about millions of inflation in the way of paper values, only to put out another type of propaganda so as to bear the market and sweep in money invested as well as margins. You note that after they have gotten folks in the sky, and when they are ready for a bear raid, they call for an additional, extra margin from 25 to 40 per cent.

The Federal Reserve Board will tell you to-day that the increasing of rediscount rates was to curb speculation; but because, as stated a few minutes ago, bankers and investors flooding New York with their funds to take advantage of profits offered by these speculators and gamblers, the Federal Reserve Board's action did not seem to have any effect in these transactions. This is a sad situation, because this very money being centralized in New York makes less money available for commercial and agricultural needs, and to-day these lines are suffering as never before for proper financing and at reasonable rates. Business is slowing down and unemployment increasing.

In the next place, because of these high rates on money and the centralizing of the money of the country in New York for speculative purposes, there is quite a slowing down in the splendid building and construction record made in the last few years because of cheap money, and it bids fair to reach a low-record mark in 1929.

In November, according to a national survey, building and construction lines were 14 per cent less than November a year ago, and 9 per cent below last October's record. You will find a 20 per cent decrease in New York in November, 1928, and 35 per cent under two years ago; Chicago, 30 per cent; Los Angeles, more than 60 per cent; San Francisco, 35; and Buffalo, 50 per cent. What does this mean? Unemployment and increases in rents. On December 27 we have this information coming out of New York:

#### "MONEY STRINGENCY MAY BE PROLONGED—CONTINUED HIGH RATE FOR TIME LOANS IS FACTOR IN SITUATION"

"Special dispatch to the Star

"NEW YORK, December 27.—The much-discussed year-end money stringency made its first definite appearance yesterday, when call funds, for the second time this month and, incidentally, for the second time in several years, went to 12 per cent.

"The renewal rate for call loans was announced in the morning as 9 per cent, but calling of loans by the banks took about \$25,000,000 out of the market before noon, and thereafter the rate was stepped up, 1 per cent at a time, until it reached 12 per cent, 15 minutes before the close of the securities markets. The rate moved to 10 per cent at 12.13, 11 per cent at 2.19, and 12 per cent at 2.44.

"Time funds were unchanged from Monday's levels, the highest of the current year. Thirty-day funds were quoted at 8¼ bid, while other maturities up to four months were quoted at 7¼ bid. The time-money market, at least so far as 30-day loans was concerned, was a nominal affair, with a very small volume of funds in sight.

"The principal influences making for the tightening of call money are the calling in of loans by corporations in anticipation of first of the year requirements, the reduction of reserves on the part of member banks at the regional reserve institutions as a result of increased currency requirements, and preparations by State and national banks generally for end-of-the-year 'window dressing.' Neither the stock market nor the bond market was affected particularly adversely by the high money rates. From the standpoint of the latter market the most ominous portent in the money situation is the continued high rate charged for time loans. This, it is felt, argues against the probability of an easing of the credit situation after the turn of the year, an eventuality which hitherto had been regarded as foreordained."

We talk about prosperity; where is it? The aggregate value of common and preferred stock during 1921 was only a little over \$4,000,000,000, whereas that of listed stocks on November, 1928, had reached above sixty-one billions. In 1924 total capital employed in American investment trusts was less than five millions, but in 1928 the total had grown to exceed eight hundred millions.

Here are some very interesting figures:

Seats on the New York Stock Exchange markets have advanced from \$290,000 to \$600,000, and are expected to reach the million-dollar mark soon. The transfer of some 100 seats last year yielded over twenty millions to holders thereof. The record will show that one party who bought a seat on these markets in 1872 for \$6,000, sold same in November, 1928, for \$475,000.

These speculators and gamblers, being well organized and well supplied with money that in many instances should be used in other needful channels, can at will ride the market up or down, extracting from innocent buyers of bonds and stocks and innocent, unorganized speculators scattered all over the country, their hard-earned money, thereby creating much prosperity in the hands of a few, at the expense of the many. These speculators and manipulators not only pool their finances, tricks in trade, but propaganda that is sent out as beautiful bait to catch suckers. Look how successfully they have used the Coolidge and



Hoover boom propaganda between the 1st and 10th of December. See what happened, as stated by Mr. W. S. Cousins:

**"BULLS AND BEARS READY FOR BIG STOCK BATTLE"**

"By W. B. Cousins

"NEW YORK, December 10.—Bulls and bears in Wall Street counted their forces before the opening of the stock market to-day and lined up for the most gigantic battle in the history of big markets.

"It is a battle of big fortunes and skillful manipulation of the stock market against a powerful and determined bear party that has tasted the sweet fruits of victory in one of the most devastating fires of speculative selling that ever swept over the big board.

**"PAPER PROFITS WIPED OUT"**

"In the last three days of last week the bears, by concentrated selling pressure against the inflated and ballooned 'blue chips' of the stock market, the high-priced sky-rocketers of the Hoover bull market, have swept away the last vestige of market prestige of the bulls, wiped out hundreds of millions of dollars of paper profits of the small and big traders all over the country, and brought back a common-sense viewpoint to thousands of investors who had firmly believed there was no 'roof' to the market's capacity to rise.

"With the ground from under their feet crumbling and sliding, thousands of small traders are blinking to-day and wondering what it is all about; for in three days of selling on the stock exchange the market as a whole and its representative industrial and railroad stocks have been swept back to the price level of the first week in November, before the so-called Hoover market had preened its wings for its sensational aerial flight.

**"BOOM COMPLETELY FLATTENED"**

"Where are their stocks? Where are their profits? What have they to show for the spectacular uprushes in the prices of stocks bought about election time? For answer look at to-day's stock quotations, which show the major results of the Hoover stock boom to have flattened out like a pancake and disappeared like chaff before the high wind.

"Though Radio, around which the bulk of the bull market movement centered, sells to-day about 70 points above the first week in November, the stock has shrunk 124 points from the peak of the boom. Montgomery Ward is back to where it started, having in the meantime skyrocketed 100 points. General Motors, the old bellwether of many a bull campaign, refused to take any part in the Hoover fireworks, and as a result is down 35 points from its selling price in the first week of November.

"Such a combination should make for rising prices in the stock market, and that is exactly what has taken place. The trouble is that prices have been rising much too fast. Manipulated to the last degree by a band of powerful and skillful professional traders, aided by the avarice of a gullible public, which never knows when it has had enough, stock prices rose far above sensible halting distances of the wealth and earning capacity of the corporations they represented. In the mad scramble for profits the so-called fundamentals were completely overlooked. Nothing mattered except that prices were soaring and would continue to soar.

**"THEN COMES MONEY SQUEEZE"**

"Then came the squeeze in the money market. As everybody knows, ballooning of stock prices can not be accomplished without money. Money for margins, money for the investment trusts, money for the big brokerage houses."

The following editorials written by the editors of the Sumter Daily Item and the Columbia State, two of the best newspapers in my district, will give you valuable information on this subject:

**"THE WORLD'S GREATEST GAMBLING HOUSE"**

"Where does legitimate trading in stocks cease to be legitimate trading and become speculation that merges into wild gambling inimical to the business interests of the country?

"Perhaps there is no practical answer to the question. And perhaps if it were possible to draw a line between 'business' and 'gambling' it would be practically impossible legally to prevent harmful gambling seriously interfering with legitimate trading. Yet it does seem that in a country like this, so devoted to 'business,' there should be more protection for the innocent bystander. When people go crazy on land speculation, as they did in Florida, they can not be checked. When the bubble bursts, the speculators themselves are the direct losers, but those in large communities having no part in blowing up the bubbles are also victims. The same is true when a gambling riot occurs on the New York Stock Exchange, but in the latter case the contagion becomes country-wide, ultimate losses are vastly greater than the bursting of even a great land boom, and legitimate business throughout the whole country suffers directly during the period of speculation and from the subsequent reaction.

"Away back in 'the provinces' they catch the gambling fever. Writing from Joplin, Mo., to the Springfield Republican, a correspondent says the workman 'out here in the Middle West' is having his attention distracted from his every-day duties by the girations of Radio and du Pont. He thinks a country that sat up the Louisiana

lottery and that wouldn't countenance a Monte Carlo might regard the New York Stock Exchange as a bit wild. 'In all seriousness,' the writer continues, 'while the stock exchange performs its immense and necessary work in an honorable manner, the unbridled gambling in stocks which has spread over the whole country may easily develop into a demoralizing habit. Better wages, industry, and thrift tend to build up wealth in an even stratum among all the people, but the evil tendency of a lottery is to take from the many to give to the few. It is evident that neither Coolidge and Hoover nor the great industrial leaders ever believed in building one man's fortune upon other men's losses.'

"How does the wild gambling affect legitimate business throughout the country? How does it curtail the development of legitimate business enterprises? In a number of ways and through a number of channels. Tens of thousands of persons with small savings or capital are induced to speculate. They seldom 'go in' until worked up by the 'fever,' so they get in when prices are high and the values largely fictitious. If they bought the stocks outright, the returns therefrom would be small, but these seldom buy except on margin, and they buy at high prices for speculation. They can not protect themselves in reactions and are therefore sold out. Their money is lost to them forever and lost to the business of their communities throughout the country.

"But that is not the main loss to business. Brokers' loans—borrowings mostly 'on call' from banks and other sources, decreased during the week ending December 12 by the substantial figure of \$219,000,000, but even with that reduction brokers' loans were \$5,175,000,000 or nearly \$1,700,000,000 greater than in the corresponding week of 1927. With this huge demand for money on call, interest rates advanced to 10 and even 12 per cent, and the banks of the country, from the 'provinces,' including South Carolina, poured their money into New York by the hundreds of millions. It is still there. Interest rates for money everywhere stiffened. The banks can not be blamed for taking care of themselves. Most of them have had a tough time with their experiences at home. But legitimate business at home does not find banks greedy about accepting their offers of 6 per cent for loans when the banks can get 9 per cent from traders in New York. That condition retards general development and home enterprise. Because of demands for gambling money is given a fictitious value that straight business can not afford to pay.

"But what are we going to do about it?"

**NEW MILLIONAIRES—THOUSANDS CREATED BY GAMBLING IN STOCKS**

Millionaires have increased from 7,000 in 1914 to between 30,000 and 40,000 in 1928, Carl Snyder, of the Federal Reserve Bank of New York, told the American Statistical Association.

"Possibly half or more of these (new millionaires) have been created by the violent debasement in the value of the currency which has taken place since the beginning of the war," he said. "A considerable part of the present number must be due also to the enormous rise in the value of securities since the war and to the colossal manipulation in security values, incomparably the greatest gamble the world has ever known.

"Years of unusual expansion are paid for by lean years of depression and unemployment, often involving widespread suffering.

"When fortunes can be made gambling in pieces of paper, of what attraction are the unique virtues of industry, sobriety, and thrift? These are temporarily thrown into the discard, reluctantly and discontentedly to be resumed when the house of cards has crumbled.

"The apparent gains of prosperity, or at least of booms, are largely illusory and in so far as they are a reality have been, in the past at least, too dearly paid for. Clearly true prosperity—that is, the general diffusion of comfort and well-being among the largest possible number of the population—is not dependent upon inflation and boom."

While thousands of broke speculators were caught in the net and thousands of our farmers are going broke—a great many of them without funds to buy the real necessities of life—let's see about the plans on the part of Wall Street for Christmas, as given by the Associated Press:

**"WALL STREET IS PLANNING BIG CHRISTMAS CELEBRATION"**

"NEW YORK, December 20.—Wall Street expects, and is ready for, a merry Christmas.

"The great wave of speculation in the past few months has left the Street plentifully supplied with money. It is estimated that brokers' commissions will establish a new high record for all time this year, being placed at above \$360,000,000, or more than \$1,250 a day for each member. To that amount may be added an enormous sum representing the aggregate of extra dividends, paper profits converted into cash, increased salaries as the result of the busiest days in history, and, above all, bonuses.

"Bonus is almost a synonym for Christmas in Wall Street, and especially so this year when most good-hearted bosses will share their profits with employees. The sharing began days ago and the stores in the Street have been somewhat hard pressed to change a plethora of brand new \$50 and \$100 bills presented by workers who ordinarily present a quarter or a dollar bill to the cashier.

"The aggregate of bonuses alone will run into millions of dollars. Commission houses and other active organizations in the Street have paid as bonuses from 10 to 80 per cent of the year's salary. There have been a few cases where employees, usually those of long service, have received as a bonus a full year's pay. A few houses cling to the old custom of distributing gold coins as Christmas gifts, but most of them find their employees are quite as well satisfied with a crisp bill, especially when it runs into three or four figures.

"Christmas parties are being planned and held in hundreds of the larger offices. There will be, of course, the usual Christmas tree set up in front, song sheets will be passed, bands and choruses will surround it, and the Street will enjoy once again its own carol singing."

Here is some more of our prosperity:

"\$250,000,000 EXTRA DIVIDENDS ORDERED—GENERAL MOTORS DIVISION OF \$44,500,000 HEADS CHRISTMAS LIST—OIL FIRMS STAND HIGH

"NEW YORK, December 24 (A. P.)—Directors of 450 corporations in the United States played Santa Claus this Christmas, placing in their stockholders' stockings extra dividends totaling more than \$250,000,000. Several hundred millions more were distributed in stock dividends, rights for purchase of additional stock and increased dividends.

"General Motors Corporation heads the list with a melon of \$44,500,000 in extra dividends. A dozen other corporations have set aside a million and more dollars of their surplus for their shareholders. E. I. du Pont de Nemours & Co., which is a heavy shareholder in General Motors, is paying out \$13,452,000, while the R. J. Reynolds Tobacco Co. is distributing \$6,000,000.

"The Standard Oil companies are among the heaviest contributors. Standard of California is distributing \$6,297,000; Standard of Indiana \$2,307,000; Standard of New Jersey \$3,039,000; Standard of Kentucky \$342,000; and Standard of Nebraska \$100,000."

It is my prediction that unless Congress does something to regulate these speculators and gamblers, or some genius who has the welfare of legitimate business and the country at heart can bring about a readjustment in the use of credit which will turn some portion of it to channels where it is most needed, we are headed for one of the most serious economic crises in the history of this great Republic.

#### BRIDGE BILLS

Mr. DENISON. Mr. Speaker, I ask unanimous consent to proceed for one minute.

The SPEAKER. The gentleman from Illinois asks unanimous consent to proceed for one minute. Is there objection? [After a pause.] The Chair hears none.

Mr. DENISON. Mr. Speaker, there are a great many bridge bills on the Consent Calendar, and many of them are for extensions of time for beginning the construction of the bridges. The committee has investigated each individual case and found there were proper reasons for delay and has favorably reported these bills for the extension of the time for one year for beginning the construction of those bridges. I have segregated the bills for the extension of time and now have them ready and wish to ask unanimous consent that they may be read by title, the committee amendments agreed to, and the bills passed. I will say these bills are all in practically the same form approved by the committees of the House and Senate and approved repeatedly in the House and Senate, and as far as I know there is no objection to any of them.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

Mr. SCHAFER. Reserving the right to object, is the Great Falls bridge on that list? I want to be sure.

Mr. DENISON. If it is, it is the last one on the list, and as there is objection to that bill it should be excluded from the list.

The SPEAKER. Is there objection to the request?

Mr. SABATH. Mr. Speaker, reserving the right to object, I would like to know how many of these bills are contained in the gentleman's request?

Mr. DENISON. Quite a number.

Mr. SABATH. How many of these that provide for additional bridges?

Mr. DENISON. These are all bills granting an extension of time to begin the construction of bridges which Congress has already approved.

Mr. SABATH. Is it not a fact there are some people who ask for legislation to construct a bridge and finally they come to the conclusion they need a little more financing, and because of that they delay the construction of the bridge and foreclose other people who are in a better position to construct such bridge or bridges and estop the city or county in getting legislation for the construction of bridges?

Mr. DENISON. I will say to my colleague that is not the case, because none of these bills foreclose anyone else from coming to Congress and asking that permission be granted to build the bridge. Any city or county or State that wants to build a

bridge may have a bill filed for that purpose and our committee will favorably report the bill, regardless of any other bill that may have been passed. In other words, no city or county or other public authority is ever prevented from building any bridge merely because a franchise has been granted to other parties to build a bridge at the same location.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. Without objection, the Clerk will read the bills by numbers.

Mr. DENISON. We want them all printed in the RECORD.

The Clerk read as follows:

A bill (H. R. 16423) to extend the times for commencing and completing the construction of a bridge across Lake Sabine at or near Port Arthur, Tex.

*Be it enacted, etc.,* That the times for commencing and completing the construction of a bridge across Lake Sabine, between a point at or near Port Arthur, Tex., and a point opposite in Cameron Parish, La., authorized to be built by H. L. McKee, his heirs, legal representatives, and assigns, by the act of Congress approved May 18, 1928, are hereby extended one and three years, respectively, from May 18, 1929.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

A bill (H. R. 16425) to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Rulo, Nebr.

*Be it enacted, etc.,* That the times for commencing and completing the construction of a bridge across the Missouri River, at or near Rulo, Nebr., authorized to be built by John C. Mullen, T. L. Davies, John H. Hutchings, and Virgil Falloon, all of Falls City, Nebr., their heirs, legal representatives, and assigns, by act of Congress approved March 29, 1928, are hereby extended one and three years, respectively, from March 29, 1929.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

A bill (H. R. 16426) to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Nebraska City, Nebr.

*Be it enacted, etc.,* That the times for commencing and completing the construction of a bridge across the Missouri River at or near Nebraska City, Nebr., authorized to be built by the Interstate Bridge Co., its successors and assigns, by act of Congress approved April 23, 1928, are hereby extended one and three years, respectively, from April 23, 1929.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

A bill (H. R. 16427) to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near the mouth of Indian Creek, in Russell County, Ky.

*Be it enacted, etc.,* That the times for commencing and completing the construction of a bridge across the Cumberland River at or near the mouth of Indian Creek, in Russell County, Ky., authorized to be built by the State Highway Commission, Commonwealth of Kentucky, by the act of Congress approved May 18, 1928, are hereby extended one and three years, respectively, from May 18, 1929.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

A bill (H. R. 16430) extending the time for constructing a bridge across the Kanawha River at a point in or near the town of Henderson, W. Va., at a point opposite thereto in or near the city of Point Pleasant

*Be it enacted, etc.,* That the times for commencing and completing the construction of the bridge authorized by the act of Congress approved April 6, 1928, to construct, maintain, and operate a bridge and approaches thereto across the Kanawha River, at a point suitable for the interests of navigation, between a point in or near the town of Henderson, W. Va., and a point opposite thereto in or near the city of Point Pleasant, Mason County, W. Va., are hereby extended one and three years, respectively, from the date of approval hereof.

SEC. 2. The right to alter, amend, or appeal this act is hereby expressly reserved.

A bill (H. R. 16431) extending the times for commencing and completing the construction of a bridge to be built across the Kanawha River at or near Henderson, W. Va., to a point opposite thereto at or near Point Pleasant, W. Va.

*Be it enacted, etc.,* That the times for commencing and completing the construction of a bridge across the Kanawha River between a point in or near the town of Henderson, W. Va., and a point opposite thereto in or near the city of Point Pleasant, Mason County, W. Va., authorized



to be built by Henderson Bridge Co., its successors and assigns, by the act of Congress approved March 2, 1927, extended by act of Congress approved March 14, 1928, are hereby further extended one and three years, respectively, from March 2, 1929.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

Amend the title so as to read: "A bill to extend the times for commencing and completing the construction of a bridge across the Kanawha River between Henderson and Point Pleasant, W. Va."

A bill (H. R. 16433) to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Decatur, Nebr.

*Be it enacted, etc.,* That the times for commencing and completing the construction of a bridge across the Missouri River at or near Decatur, Nebr., authorized to be built by the Interstate Bridge Co., its successors and assigns, by act of Congress approved March 29, 1928, are hereby extended one and three years, respectively, from March 29, 1929.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

A bill (H. R. 16448) to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near the village of Clearwater, Minn.

*Be it enacted, etc.,* That the times for commencing and completing the construction of a bridge authorized by the act of Congress approved March 4, 1925, as amended by acts of Congress approved February 26, 1926, and February 16, 1928, to be built by the State of Minnesota and the counties of Sherburne and Wright across the Mississippi River at or near the village of Clearwater, in the county of Wright, in the State of Minnesota, are hereby extended one and three years, respectively, from February 16, 1929.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

A bill (H. R. 16499) to extend the times for commencing and completing the construction of a bridge across the Kanawha River at or near St. Albans, Kanawha County, W. Va.

*Be it enacted, etc.,* That the times for commencing and completing the construction of the bridge across the Kanawha River, at or near St. Albans, Kanawha County, W. Va., authorized to be built by the St. Albans Nitro Bridge Co., by the act of Congress approved May 1, 1928, are hereby extended one and three years, respectively, from May 1, 1929.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

A bill (H. R. 16524) to extend the time for commencing and the time for completing the construction of a bridge across the Potomac River

*Be it enacted, etc.,* That the times for commencing and completing the construction of a bridge across the Potomac River from a point in the vicinity of Dahlgren, in the northeastern end of King George County, Va., to a point south of Popes Creek, Charles County, Md., authorized to be built by the George Washington-Wakefield Memorial Bridge, a corporation, its successors and assigns, by an act of Congress approved May 5, 1926, heretofore extended by an act of Congress approved February 16, 1928, are hereby further extended one and three years, respectively, from February 16, 1929.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

Amend the title so as to read: "A bill to extend the times for commencing and completing the construction of a bridge across the Potomac River at or near Dahlgren, Va."

A bill (H. R. 16603) to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Arat, Cumberland County, Ky.

*Be it enacted, etc.,* That the times for commencing and completing the construction of the bridge across the Cumberland River, at or near Arat, Cumberland County, Ky., authorized to be built by State Highway Commission, Commonwealth of Kentucky, by the act of Congress approved May 18, 1928, are hereby extended one and three years, respectively, from May 18, 1929.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

A bill (H. R. 16604) to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Center Point, in Monroe County, Ky.

*Be it enacted, etc.,* That the times for commencing and completing the construction of the bridge across the Cumberland River, at or near Center Point, in Monroe County, Ky., authorized to be built by the State Highway Commission, Commonwealth of Kentucky, by the act of Congress approved May 18, 1928, are hereby extended one and three years, respectively, from May 18, 1929.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

A bill (H. R. 16605) to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Creelsboro, in Russell County, Ky.

*Be it enacted, etc.,* That the times for commencing and completing the construction of the bridge across the Cumberland River, at or near Creelsboro, in Russell County, Ky., authorized to be built by the State Highway Commission, Commonwealth of Kentucky, by the act of Congress approved May 18, 1928, are hereby extended one and three years, respectively, from May 18, 1929.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

A bill (H. R. 16606) to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Neelys Ferry, in Cumberland County, Ky.

*Be it enacted, etc.,* That the times for commencing and completing the construction of a bridge across the Cumberland River, at or near Neelys Ferry, in Cumberland County, Ky., authorized to be built by the State Highway Commission, Commonwealth of Kentucky, by the act of Congress approved May 18, 1928, are hereby extended one and three years, respectively, from May 18, 1929.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

A bill (H. R. 16609) extending the times for commencing and completing the construction of a bridge across the Ohio River at Sistersville, Tyler County, W. Va.

*Be it enacted, etc.,* That the times for commencing and completing the construction of a bridge authorized by an act of Congress approved February 20, 1928, to be built by the Sistersville Ohio River Bridge Co., its successors and assigns, across the Ohio River, at or near the city of Sistersville, Tyler County, W. Va., are hereby extended one and three years, respectively, from February 20, 1929.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

A bill (H. R. 16610) to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Chester, Randolph County, Ill.

*Be it enacted, etc.,* That the times for commencing and completing the construction of a bridge across the Mississippi River, at or near Chester, Randolph County, Ill., authorized to be built by E. H. Wegener, his heirs, legal representatives, and assigns, by act of Congress approved March 10, 1928, are hereby extended one and three years, respectively, from March 10, 1929.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

A bill (H. R. 16640) to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Mound City, Ill.

*Be it enacted, etc.,* That the times for commencing and completing the construction of a bridge across the Ohio River at or near Mound City, Ill., authorized to be built by B. L. Hendrix, G. C. Trammel, and C. S. Miller, by the act of Congress approved March 16, 1928, are hereby extended one and three years, respectively, from March 16, 1929.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

A bill (H. R. 16641) to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Washington, Mo.

*Be it enacted, etc.,* That the times for commencing and completing the construction of a bridge across the Missouri River at or near Washington, Mo., authorized to be built by the Washington Missouri River Bridge Co. by the act of Congress approved February 28, 1928, are hereby extended one and three years, respectively, from February 28, 1929.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

A bill (H. R. 16645) to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Helena, Ark.

*Be it enacted, etc.,* That the times for commencing and completing the construction of a bridge across the Mississippi River at or near Helena, Ark., authorized to be built by D. T. Hargraves and John W. Dulaney, their heirs, legal representatives, and assigns, by an act of Congress approved May 26, 1928, are hereby extended one and three years, respectively, from May 26, 1929.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

A bill (H. R. 16791) to extend the times for commencing and completing the construction of a bridge across the Monongahela River at or near Point Marion, Pa.

*Be it enacted, etc.,* That the times for commencing and completing the construction of the bridge across the Monongahela River, at or near Point Marion, Pa., authorized to be built by the Point Marion Community Club, of Point Marion, Pa., by the act of Congress approved March 29, 1928, are hereby extended one and three years, respectively, from March 29, 1929.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

A bill (H. R. 16818) to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Wellsburg, W. Va.

*Be it enacted, etc.,* That the times for commencing and completing the construction of a bridge across the Ohio River, at or near Wellsburg, W. Va., authorized to be built by the J. K. Mahone Bridge Co., its successors and assigns, by act of Congress approved May 14, 1928, are hereby extended one and three years, respectively, from May 14, 1929.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

A bill (H. R. 16824) to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Kansas City, Kans.

*Be it enacted, etc.,* That the times for commencing and completing the construction of a bridge across the Missouri River at or near Kansas City, Kans., authorized to be built by the Interstate Bridge Co., its successors and assigns, by act of Congress approved May 22, 1928, are hereby extended one and three years, respectively, from May 22, 1929.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

A bill (H. R. 16531) to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Golconda, Ill.

*Be it enacted, etc.,* That the times for commencing and completing the construction of the bridge across the Ohio River at or near Golconda, authorized to be built by C. J. Abbott, his heirs, legal representatives, and assigns, by the act of Congress approved March 16, 1928, are hereby extended one and three years, respectively, from March 16, 1929.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

A bill (H. R. 17020) to extend the times for commencing and completing the construction of a bridge across Lake Champlain at or near Rouses Point, N. Y.

*Be it enacted, etc.,* That the times for commencing and completing the construction of a bridge across Lake Champlain at or near the city of Rouses Point, N. Y., authorized by the act of Congress approved May 14, 1928, entitled "An act granting the consent of Congress to the Gulf Coast Properties (Inc.) to construct, maintain, and operate a bridge across Lake Champlain at or near the city of Rouses Point, N. Y.," are hereby extended one and three years, respectively, from May 14, 1929.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

A bill (H. R. 17024) to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Carondelet, Mo.

*Be it enacted, etc.,* That the times for commencing and completing the construction of a bridge across the Mississippi River at or near Carondelet, Mo., authorized to be built by the Dupon Bridge Co., a Missouri corporation, its successors and assigns, by an act of Congress approved May 14, 1928, are hereby extended one and three years, respectively, from May 14, 1929.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Without objection, the House bills will be considered.

There was no objection.

Mr. KINCHELOE. Mr. Speaker, I ask unanimous consent to ask the gentleman from Illinois [Mr. DENISON] a question. I ask unanimous consent to proceed for one minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. KINCHELOE. The gentleman from Illinois is very familiar with the bill (H. R. 16920), granting the consent of Congress to E. T. Franks, his successors and assigns, to construct, maintain, and operate a bridge across the Ohio River approximately

midway between the cities of Owensboro, Ky., and Rockport, Ind. It is really in effect an extension for the construction of a railroad bridge over the Ohio River between the cities of Owensboro, Ky., and Rockport, Ind. Would the gentleman mind including that in his list?

Mr. DENISON. I made the statement to the House that all of these bills were in the usual form for extension of time. Personally I am not opposed to the bill that the gentleman mentions, but I wish to keep faith with the House and include in my request only strict extension bills.

Mr. KINCHELOE. It is not in the usual form. It is an extension in effect.

Mr. DENISON. I have no objection to adding that to the list.

Mr. KINCHELOE. In view of the fact that the bill H. R. 16920 is in effect an extension—and I am sure that the gentleman from Illinois will agree that it is—I ask unanimous consent that that be considered with these other bills here.

The SPEAKER. The gentleman from Kentucky asks unanimous consent that the bill H. R. 16920 be considered along with these other bills. Is there objection?

Mr. LA GUARDIA. Reserving the right to object, what calendar number is that?

Mr. KINCHELOE. It is Consent Calendar No. 658.

Mr. BURTNES. There is no such number on the Consent Calendar.

Mr. KINCHELOE. Then it is on the House Calendar.

Mr. LA GUARDIA. Mr. Speaker, reserving the right to object, I have no objection to this particular bill, but I have a statement of the bills to be included in the unanimous-consent request made by the gentleman from Illinois [Mr. DENISON], and some of them have adverse reports from the Roads Bureau of the Department of Agriculture. I have been here all afternoon, and I had not been out of the House for 60 seconds before the gentleman made his unanimous-consent request. If the gentleman wants to adopt those tactics, I am not responsible.

Mr. DENISON. These are not new bridge bills. They are bills for extensions of time.

Mr. LA GUARDIA. That is the very time when the irregularities go on. The Roads Bureau in many of these cases say they were against the bridge bill originally and are against the extension.

Mr. DENISON. Our committee takes the position that when bills of this kind are in proper form, or are made so by proper amendments and meet the approval of the House and Senate committees as to policy, we ought to pass the bills, without regard to the views of a subordinate in the Bureau of Roads.

Mr. LA GUARDIA. If the gentleman is a supporter of the administration, he should conform to its wishes.

Mr. DENISON. Well, we think the two committees of the House and Senate represent the views of the administration just as much or more than does any subordinate official in the Bureau of Roads.

Mr. LA GUARDIA. Some of these bills are among those that abound in scandal.

Mr. DENISON. I do not want anyone to think I am taking any advantage. I made the request for unanimous consent at the request of many Members of the House and in the usual manner. I did not look to see whether the gentleman from New York was in the Chamber.

Mr. TILSON. Is the gentleman going to object to the request of the gentleman from Kentucky or not?

The SPEAKER. Consent has been given for the consideration of these bills. The question is whether the House will also consent to consider the bill referred to by the gentleman from Kentucky. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read the title of the bill.

The bill is as follows:

*Be it enacted, etc.,* That in order to promote interstate commerce, improve the Postal Service, and provide for military and other purposes, E. T. Franks, his heirs, legal representatives, and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Ohio River at a point suitable to the interests of navigation approximately midway between the cities of Owensboro, Ky., and Rockport, Ind., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. E. T. Franks, his heirs, legal representatives, and assigns, is authorized to construct, maintain, and operate such bridge and the necessary approaches thereto as a railroad bridge for the passage of railway trains or street cars, or both, or as a highway bridge for the passage of pedestrians, animals, and vehicles, adapted to travel on public highways, or as a combined railroad and highway bridge for all such



purposes; and there is hereby conferred upon the said E. T. Franks, his heirs, legal representatives, and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. After the completion of such bridge as determined by the Secretary of War, if the same is constructed as a highway bridge only, either the State of Kentucky, the State of Indiana, any public agency or political subdivision of either of such States within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation, in accordance with the laws of such State governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of 10 years after the completion of such bridge the same is acquired by condemnation or expropriation the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interests in real property; (3) actual financing and promotion cost, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interests in real property; and (4) actual expenditures for necessary improvements.

SEC. 4. If such bridge shall at any time be taken over or acquired by the States or public agencies or political subdivisions thereof or by either of them, as provided in section 3 of this act and if tolls are thereafter charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management and to provide a sinking fund sufficient to amortize the amount paid therefor including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the date of acquiring the same. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 5. If such bridge is constructed as a combined railroad bridge for the passage of railway trains or street cars, and a highway bridge for the passage of pedestrians, animals, and vehicles then the right of purchase and condemnation conferred by this act shall apply to a right of way thereover for the passage without cost of persons, animals, and vehicles adapted to travel on public highways; and if the right of purchase or condemnation shall be exercised as to such right of way over the bridge then the measure of damages or compensation to be allowed or paid for such right of way shall be a sum equal to the difference between the actual fair cash value of such bridge determined in accordance with the provisions of section 3 of this act, and what its actual fair cash value so determined would have been if such bridge had been constructed as a railroad bridge only. If the right of purchase or condemnation conferred by this act shall be exercised as to the right of way over such bridge, then that part of the bridge which shall be purchased or condemned and shall be thereafter actually used for the passage of pedestrians, animals, or vehicles, shall be maintained, operated, and kept in repair by the purchaser thereof.

SEC. 6. E. T. Franks, his heirs, legal representatives, and assigns, shall within 90 days after the completion of such bridge file with the Secretary of War and with the highway departments of the States of Kentucky and Indiana a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and at the request of the highway department of either of such States shall, at any time within three years after the completion of such bridge investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge. For the purpose of such investigation the said E. T. Franks, his heirs, legal representatives, and assigns, shall make available all records in connection with the construction, financing, and promotion thereof. The findings of the Secretary

of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 3 of this act, subject only to review in a court of equity for fraud or gross mistake.

SEC. 7. E. T. Franks, his heirs, legal representatives, and assigns, is hereby authorized and empowered to fix and charge just and reasonable tolls for the passage of such bridge of pedestrians, animals, and vehicles adapted to travel on public highways, and the rates so fixed shall be the legal rates until the Secretary of War shall prescribe other rates of toll as provided in the act of March 23, 1906; and if said bridge is constructed as a railroad bridge, or a joint railroad and highway bridge, as provided in this act, the said E. T. Franks, his heirs, legal representatives, and assigns, is hereby authorized to fix by contract with any person or corporation desiring to use the same for the passage of railway trains or street cars, or for placing water or gas pipe lines or telephone or telegraph or electric-light or power lines, or for any other such purpose, the terms, conditions, and rates of toll for such use; but, in the absence of such contract, the terms and conditions and rates of toll for such use shall be determined by the Secretary of War as provided in said act of March 23, 1906.

SEC. 8. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the said E. T. Franks, his heirs, legal representatives, and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 9. All contracts made in connection with the construction of the bridge authorized by this act and which shall involve the expenditure of more than \$5,000, shall be let by competitive bidding. Such contracts shall be advertised for a reasonable time in some newspaper of general circulation published in the States in which the bridge is located and in the vicinity thereof; sealed bids shall be required, and the contracts shall be awarded to the lowest responsible bidder. Verified copies or abstracts of all bids received and of the bid or bids accepted shall be promptly furnished to the highway departments of the States in which such bridge is located. A failure to comply in good faith with the provisions of this section shall render null and void any contract made in violation thereof, and the Secretary of War may, after hearings, order the suspension of all work upon such bridge until the provisions of this section shall have been fully complied with.

SEC. 10. The right to alter, amend, or repeal this act is hereby expressly reserved.

THE SPEAKER. Without objection the committee amendments will be considered as agreed to, the bills just reported engrossed, read a third time, and passed.

Mr. LA GUARDIA. I object to that.

THE SPEAKER. The Chair thinks under the agreement the question is on the adoption of the committee amendments.

The committee amendments were agreed to.

The House bills were ordered to be engrossed and read a third time.

Mr. LA GUARDIA. Mr. Speaker, I demand the third reading of these bills.

The House bills were read a third time by number.

THE SPEAKER. The question is on the passage of the bills.

Mr. SABATH. Mr. Speaker, a parliamentary inquiry.

THE SPEAKER. The gentleman will state it.

Mr. SABATH. I recognize that unanimous consent has been given that these bills should be considered, but do I understand that they should be called up en bloc and passed?

THE SPEAKER. The Chair so understands the effect of the consent given.

Mr. SABATH. Was that the request, Mr. Speaker?

Mr. SPEAKER. That was exactly the request.

The question was taken, and the bills were passed.

The Senate bill (S. 5066) was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bills were passed was laid on the table.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. WELLER, for an indefinite period, on account of illness.

#### ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 11064. An act for the relief of F. Stanley Millicamp;

H. R. 11469. An act to authorize appropriations for construction at the United States Military Academy, West Point, N. Y.;

H. R. 11510. An act for the relief of Montana State College;

H. R. 12449. An act to define the terms "child" and "children" as used in the acts of May 18, 1920, and June 10, 1922;

H. R. 12538. An act for the benefit of Morris Fox Cherry;  
H. R. 12809. An act to permit the United States to be made a party defendant in a certain case;

H. R. 13882. An act to extend the benefits of the Hatch Act and the Smith-Lever Act to the Territory of Alaska; and

H. R. 15732. An act making an additional grant of lands for a miners' hospital for disabled miners of the State of Utah, and for other purposes.

The SPEAKER announced his signature to an enrolled joint resolution and bills of the Senate of the following titles:

S. J. Res. 182. Joint resolution for the relief of farmers in the storm and flood stricken areas of Virginia, North Carolina, South Carolina, Georgia, Florida, and Alabama;

S. 200. An act for the relief of Mary L. Roebken and Esther M. Roebken;

S. 584. An act for the relief of Frederick D. Swank;

S. 1121. An act for the relief of Grover Ashley; and

S. 2821. An act for the relief of Capt. Will H. Gordon.

#### BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that that committee did on February 16, 1929, present to the President, for his approval, bills of the House of the following titles:

H. R. 5491. An act to amend an act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1922, and for other purposes," approved July 12, 1921;

H. R. 8748. An act for the relief of James W. Bass, collector of internal revenue, Austin, Tex.;

H. R. 13795. An act for recognition of meritorious service performed by Lieut. Commander Edward Ellsberg, Lieut. Henry Hartley, and Boatswain Richard E. Hawes;

H. R. 15809. An act to authorize a preliminary survey of Mud Creek in Kentucky with a view to the control of its floods;

H. R. 16162. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River between New Orleans and Gretna, La.; and

H. R. 16301. An act making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1930, and for other purposes;

#### THE LATE REPRESENTATIVE EDWARD J. KING

Mr. BRITTEN. Mr. Speaker, it is my sad duty to announce the passing of our dear colleague, Hon. EDWARD J. KING, of the fifteenth Illinois district, who has served his country and his State wonderfully for 14 years. I have sent a resolution to the Clerk's desk which I would like to have reported.

The SPEAKER. The gentleman from Illinois offers a resolution (H. Res. 328), which the Clerk will report.

The Clerk read as follows:

*Resolved*, That the House has heard with profound sorrow of the death of Hon. EDWARD J. KING, a Representative from the State of Illinois.

*Resolved*, That a committee of 29 Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

*Resolved*, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

*Resolved*, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

The SPEAKER. The Chair appoints the following committee:

FRED A. BRITTEN, of Illinois; E. E. DENISON, of Illinois; LOUIS T. McFADDEN, of Pennsylvania; THOMAS S. WILLIAMS, of Illinois; CLARK R. CHINDBLOM, of Illinois; JAMES G. STRONG, of Kansas; RICHARD YATES, of Illinois; M. A. MICHAELSON, of Illinois; ELLIOTT W. SPROUL, of Illinois; WILLIAM P. HOLADAY, of Illinois; MORTON D. HULL, of Illinois; WILLIAM E. HULL, of Illinois; FRANK R. REID, of Illinois; A. H. ANDRESEN, of Minnesota; CHARLES ADKINS, of Illinois; JOHN C. ALLEN, of Illinois; ED. M. ERWIN, of Illinois; NOBLE J. JOHNSON, of Indiana; WILLIAM R. JOHNSON, of Illinois; U. S. GUYER, of Kansas; J. T. BUCKBEE, of Illinois; HOMER HALL, of Illinois; HENRY T. RAINEY, of Illinois; ADOLPH J. SABATH, of Illinois; STANLEY H. KUNZ, of Illinois; WILLIAM W. ARNOLD, of Illinois; THOMAS A. DOYLE, of Illinois; J. EARL MAJOR, of Illinois; JAMES T. IGOE, of Illinois.

The SPEAKER. The Clerk will report the remainder of the resolution.

The Clerk read as follows:

*Resolved*, That, as a mark of respect, this House do now adjourn.

The resolution was agreed to.

#### ADJOURNMENT

Accordingly (at 5 o'clock and 17 minutes p. m.), pursuant to the resolution heretofore adopted, the House adjourned until to-morrow, Tuesday, February 19, 1929, at 12 o'clock noon.

#### COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Tuesday, February 19, 1929, as reported to the floor leader by clerks of the several committees:

#### COMMITTEE ON WAYS AND MEANS

(10 a. m. and 2 p. m.)

Tariff hearings as follows:

Sundries, February 19.

Free list, February 20, 21, 22.

Administrative and miscellaneous, February 25.

#### COMMITTEE ON THE JUDICIARY—SUBCOMMITTEE NO. 2

(10 a. m.)

To include henceforth under the designation storekeeper-gaugers all positions which have hitherto been designated as those of storekeepers, gaugers, and storekeeper-gaugers, full-time employees, and for other purposes (H. R. 16393).

To incorporate the distinguished service foundation of optometry (H. R. 16441).

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

861. A letter from the chairman of the Foreign Service Building Commission, transmitting report to the Congress of the Foreign Service Building Commission, 1929; to the Committee on Foreign Affairs.

862. A communication from the President of the United States, transmitting supplemental estimate of appropriation amounting to \$3,654,000 for the War Department, fiscal year 1930, to be immediately available, for the relief of the States of Missouri, Mississippi, Louisiana, and Arkansas, in repairing damages to roads and bridges on the highway systems of the respective States caused by the floods of 1927 (H. Doc. No. 603); to the Committee on Appropriations and ordered to be printed.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. CORNING: Committee on Interstate and Foreign Commerce. H. R. 17023. A bill to extend the time for completing the construction of a bridge across Lake Champlain at or near East Alburg, Vt.; with an amendment (Rept. No. 2582). Referred to the House Calendar.

Mr. KORELL: Committee on Foreign Affairs. H. J. Res. 383. A joint resolution to provide for the expenses of delegates of the United States to the Congress of Military Medicine and Pharmacy to be held at London, England; without amendment (Rept. No. 2583). Referred to the Committee of the Whole House on the state of the Union.

Mr. PORTER: Committee on Foreign Affairs. H. J. Res. 390. A joint resolution to provide for the annual contribution of the United States toward the support of the Central Bureau of the International Map of the World on the Millionth Scale; without amendment (Rept. No. 2584). Referred to the Committee of the Whole House on the state of the Union.

Mr. HUDSPETH: Committee on Irrigation and Reclamation. H. R. 16647. A bill authorizing an investigation to determine the best methods and means of utilizing the waters of the Pecos River and its tributaries, in the vicinity of what is known as Red Bluff, in New Mexico, or south of same in Texas, for the purpose of ascertaining a suitable dam site for impounding the waters of said stream, in pursuance of an act of Congress (Public. No. 404, 69th Cong.) approved June 18, 1926, by which the sum of \$2,000,000 was authorized for the building of a dam for the purpose of impounding waters of said stream, for the irrigation of lands in Texas in what is known as the Pecos Valley, in the vicinity of Pecos, Barstow, Grandfalls, Fort Stockton, and other places south of the boundary line between Texas and New Mexico; without amendment (Rept. No. 2585). Referred to the Committee of the Whole House on the state of the Union.

Mr. WURZBACH: Committee on Military Affairs. H. R. 15655. A bill to provide for the study, investigation, and sur-



vey, for commemorative purposes, of battle fields in the vicinity of Richmond, Va.; with amendment (Rept. 2587). Referred to the Committee of the Whole House on the state of the Union.

Mr. GRAHAM: Committee on the Judiciary. H. J. Res. 425. A joint resolution providing for an investigation of Francis A. Winslow, United States district judge for the southern district of New York; without amendment (Rept. No. 2588). Referred to the Committee of the Whole House on the state of the Union.

Mr. GRAHAM: Committee on the Judiciary. H. Res. 320. A resolution relative to an investigation of grave irregularities in connection with administration of Judge Francis A. Winslow, a Federal judge in and for the southern district of New York; with amendment (Rept. No. 2589). Referred to the Committee of the Whole House on the state of the Union.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under Clause 2 of Rule XIII.

Mr. GLYNN: Committee on Military Affairs. H. R. 16364. A bill for the relief of Marmaduke H. Floyd; with an amendment (Rept. No. 2581). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. S. 5514. An act for the relief of E. Gellerman, doing business under the name of the Lutz-Berg Motor Co., at Denver, Colo.; without amendment (Rept. No. 2586). Referred to the Committee of the Whole House.

#### CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 15954) granting a pension to Mrs. James Newton Ramsey; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 13366) granting an increase of pension to Elizabeth Conklin; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (S. 5361) for the relief of Bertha Hanson; Committee on Claims discharged, and referred to the Committee on Foreign Affairs.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CRAMTON: A bill (H. R. 17159) authorizing Maynard D. Smith, his heirs, successors, and assigns, to construct, maintain, and operate a bridge across the St. Clair River at or near Port Huron, Mich.; to the Committee on Interstate and Foreign Commerce.

By Mr. DOUGLAS of Arizona: A bill (H. R. 17160) authorizing J. B. Roberts, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Colorado River at or near Parker, Ariz.; to the Committee on Interstate and Foreign Commerce.

By Mr. McKEOWN: A bill (H. R. 17161) authorizing the use of tribal moneys belonging to the Wichita and affiliated bands of Indians of Oklahoma for certain purposes; to the Committee on Indian Affairs.

By Mr. MORIN: A bill (H. R. 17162) to authorize the Secretary of War to lease the United States naval destroyer and submarine base, Squantum, Mass.; to the Committee on Military Affairs.

By Mr. ENGLEBRIGHT: A bill (H. R. 17163) making the 9th day of September of each year a holiday for Federal employees in the State of California; to the Committee on Expenditures in the Executive Departments.

By Mr. BOYLAN: A bill (H. R. 17164) to establish two United States correctional institutions for the confinement of persons convicted of offenses against the United States; to the Committee on the Judiciary.

By Mr. ROBSION of Kentucky: A bill (H. R. 17165) to create a department of public education, and for other purposes; to the Committee on Education.

By Mr. ZIHLMAN: A bill (H. R. 17166) to provide for the relocation of Michigan Avenue adjacent to the southerly boundary of the United States Soldiers' Home grounds, and for other purposes; to the Committee on the District of Columbia.

By Mr. KINDRED: Joint resolution (H. J. Res. 424) to adopt an official flag code of the United States; to the Committee on the Judiciary.

By Mr. GRAHAM: Joint resolution (H. J. Res. 425) providing for an investigation of Francis A. Winslow, United States district judge for the southern district of New York; to the Committee on the Judiciary.

By Mr. BEERS: Concurrent resolution (H. Con. Res. 57) to provide for the printing of the first edition of the Congressional Directory of the first session of the Seventy-first Congress; to the Committee on Printing.

By Mr. BLACK of New York: Resolution (H. Res. 325) requesting information from the Secretary of the Treasury; to the Committee on Banking and Currency.

Also, resolution (H. Res. 326) requesting information from the chairman of the Federal Reserve Board; to the Committee on Banking and Currency.

Also, resolution (H. Res. 327) requesting information from the President of the United States; to the Committee on Banking and Currency.

By Mr. RANKIN: Resolution (H. Res. 329) authorizing the printing of 2,000 copies of Soil Survey of Lowndes County, Miss.; to the Committee on Printing.

#### MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

By Mr. SELVIG: Memorial of the Legislature of the State of Minnesota, memorializing Congress to amend section 5219, Revised Statutes of the United States, so as to permit the taxation of shares of national banks upon a fair and equitable basis; to the Committee on Banking and Currency.

#### PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CROWTHER: A bill (H. R. 17167) granting a pension to Ottilie Knapp; to the Committee on Invalid Pensions.

By Mr. CULKIN: A bill (H. R. 17168) granting an increase of pension to Harriett S. Blair; to the Committee on Invalid Pensions.

By Mr. DENISON: A bill (H. R. 17169) granting an increase of pension to Martha J. Davis; to the Committee on Invalid Pensions.

By Mr. LANKFORD: A bill (H. R. 17170) for the relief of James Mathis; to the Committee on Military Affairs.

By Mr. STALKER: A bill (H. R. 17171) granting an increase of pension to Alice Simons; to the Committee on Invalid Pensions.

By Mr. TABER: A bill (H. R. 17172) granting a pension to Patrick James McGrath; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Tennessee: A bill (H. R. 17173) granting a pension to Sarah Sutton; to the Committee on Pensions.

Also, a bill (H. R. 17174) granting a pension to James Leatherwood; to the Committee on Pensions.

Also, a bill (H. R. 17175) granting a pension to Sterling G. Hunter; to the Committee on Pensions.

By Mr. TIMBERLAKE: A bill (H. R. 17176) granting a pension to Matilda Swartout; to the Committee on Pensions.

By Mr. YATES: A bill (H. R. 17177) for the relief of Charles N. Neal; to the Committee on Military Affairs.

By Mr. FURLOW: A resolution (H. Res. 324) to pay six months' salary and funeral expenses to Susie Minor; to the Committee on Accounts.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

11278. By Mr. BARBOUR: Resolution adopted by California Vineyardists Association, opposing Senate bill 3414, or any amendment or repeal of the Hoch-Smith resolution; to the Committee on Interstate and Foreign Commerce.

11279. By Mr. CHALMERS: Petition signed by constituent of Toledo, Ohio, opposed to the Lankford Sunday observance bill; to the Committee on the District of Columbia.

11280. By Mr. CONNERY: Petition of the Cutters' Union of Lynn, Mass., asking for a tariff on shoes; to the Committee on Ways and Means.

11281. Also, petition of the city council of the city of Peabody, Mass., asking for repeal of clause (b) of section 11 of the immigration act of 1924, commonly known as the national origins clause; to the Committee on Immigration and Naturalization.

11282. By Mr. IRWIN: Letter in the form of a petition from Mary Armstrong, of Alton, Ill., second vice president Woman's Auxiliary, Diocese of Springfield (Ill.) Episcopal Church, that Congress abolish the present Capitol guide system whereby visitors are required to pay a fee for being shown through the Capitol building; to the Committee on Accounts.

11283. By Mr. McCORMACK: Petition of All Dorchester Post, No. 154, American Legion, Albert Ives, commander, Dorchester, Mass., unanimously favoring repeal of national origins

clause in immigration act; to the Committee on Immigration and Naturalization.

11284. Also, petition of Old Dorchester Post, No. 65, American Legion, Edward H. Newcomb, commander, Dorchester, Mass., unanimously favoring repeal of national origins clause in immigration act; to the Committee on Immigration and Naturalization.

11285. Also, petition of John J. O'Connell Post, No. 85, American Legion, John C. Clougherty, adjutant, Boston, Mass., unanimously favoring repeal of national origins clause in immigration act; to the Committee on Immigration and Naturalization.

11286. Also, petition of Francis G. Kane Post, No. 60, American Legion, Dorchester, Mass., unanimously favoring repeal of national origins clause in immigration act; to the Committee on Immigration and Naturalization.

11287. By Mr. MORROW: Petition of Bernalillo County (N. Mex.), Medical Society, Dr. L. B. Cohenour, secretary-treasurer, in opposition to Sheppard-Towner-Newton bill; to the Committee on Interstate and Foreign Commerce.

11288. Also, petition of Hollifield Trading Corporation, Midwest Supply Co., and other business firms of Melrose, N. Mex., indorsing the Ransdell-Jones bill providing for a 3-cent per pound duty on jute; to the Committee on Ways and Means.

11289. Also, petition of State Highway Commission, W. C. Davidson, State highway engineer, Santa Fe, N. Mex., indorsing Colton-Oddie bill providing an annual appropriation of \$3,500,000, with amendments; to the Committee on Roads.

11290. By Mr. O'CONNELL: Petition of the Carthage Pulp & Board Co., Carthage, N. Y., objecting to the imposition of a duty on wood pulp; to the Committee on Ways and Means.

11291. By Mr. QUAYLE: Petition of American Federation of Labor, Washington, D. C., favoring the passage of Senate bill 1462, providing for a final survey and investigation of all matters connected with the proposed Columbia Basin reclamation project; to the Committee on Irrigation and Reclamation.

11292. Also, petition of Montizona Copper Co., of New York City, favoring the present tariff schedules upon manganese be maintained; to the Committee on Ways and Means.

11293. Also, petition of Carthage Pulp & Board Co. (Inc.), Carthage, N. Y., objecting to the imposition of a duty on wood pulp; to the Committee on Ways and Means.

11294. Also, petition of New York Conservation Association (Inc.), favoring the appropriation now contained in the agricultural appropriation bill for the purchase of nonagricultural lands in national forests; to the Committee on Appropriations.

11295. By Mr. SELVIG: Memorial of the Minnesota Council of Catholic Women, indorsing and recommending the enactment of House bill 13793, regarding the legal admission of aliens to this country who entered the United States prior to June 3, 1921, etc.; to the Committee on Immigration and Naturalization.

11296. By Mr. SWING: Petition of residents of San Diego, protesting against compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

11297. By Mr. VINCENT of Iowa: Petition from the executive board of the Iowa Farm Bureau Federation, with reference to tariffs on lumber coming into the United States; to the Committee on Ways and Means.

## SENATE

TUESDAY, February 19, 1929

(Legislative day of Friday, February 15, 1929)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The VICE PRESIDENT. The Senate will receive a message from the House of Representatives.

### MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed the following bills of the Senate:

S. 5066. An act extending the times for commencing and completing the construction of a bridge across the St. Francis River at or near St. Francis, Ark.;

S. 5452. An act to amend the trading with the enemy act so as to extend the time within which claims may be filed with the Alien Property Custodian; and

S. 5550. An act to authorize the purchase by the Secretary of Commerce of a site, and the construction and equipment of a building thereon, for use as a constant-frequency monitoring radio station, and for other purposes.

The message also announced that the House had passed the bill (S. 4710) authorizing the sale of surplus power developed under the Grand Valley reclamation project, Colorado, with an

amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills of the Senate severally with amendments, in which it requested the concurrence of the Senate:

S. 2449. An act authorizing the construction of a bridge across the Mississippi River at or near the city of Baton Rouge, in the parish of East Baton Rouge, and a point opposite thereto in the parish of West Baton Rouge, State of Louisiana;

S. 4861. An act authorizing the Brownville Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Brownville, Nebr.;

S. 5179. An act to improve the efficiency of the Lighthouse Service, and for other purposes; and

S. 5543. An act to establish the Grand Teton National Park in the State of Wyoming.

The message also communicated to the Senate the resolutions of the House adopted as a tribute to the memory of Hon. EDWARD J. KING, late a Representative from the State of Illinois.

The message further announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

H. R. 7930. An act to amend section 24 of the act approved February 28, 1925, entitled "An act to provide for the creation, organization, administration, and maintenance of a Naval Reserve and a Marine Corps Reserve";

H. R. 10664. An act for the relief of the State of Maine and the city of Portsmouth, N. H.;

H. R. 13931. An act to authorize an appropriation for the construction of a building for a radio and communication center at Bolling Field, D. C.;

H. R. 15330. An act authorizing the acceptance by the United States Government from the Woman's Relief Corps, auxiliary to the Grand Army of the Republic, of proposed gift of bronze tablets to be placed in Andersonville National Cemetery, in Georgia;

H. R. 15387. An act to amend the act of February 9, 1907, entitled "An act to define the term 'registered nurse,' and to provide for the registration of nurses in the District of Columbia";

H. R. 15570. An act authorizing S. R. Cox, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near New Martinsville, W. Va.;

H. R. 15715. An act authorizing Eugene Rheinfrank, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Maumee River at or near its mouth;

H. R. 15717. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Stanton, N. Dak.;

H. R. 15718. An act granting the consent of Congress to the commissioners of the county of Lake, State of Indiana, to reconstruct, maintain, and operate a free highway bridge across the Grand Calumet River at or near Lake Street, in the city of Gary, county of Lake, Ind.;

H. R. 15849. An act authorizing Richard H. Klein, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Susquehanna River at or near the borough of Liverpool, Perry County, Pa.;

H. R. 15916. An act to provide for the construction of a new bridge across the South Branch of the Mississippi River from Sixteenth Street, Moline, Ill., to the east end of the island occupied by the Rock Island Arsenal;

H. R. 15918. An act to amend the act entitled "An act to authorize credit upon the construction charges of certain water-right applicants and purchasers on the Yuma and Yuma Mesa auxiliary projects, and for other purposes";

H. R. 16082. An act to authorize the disposition of unplatted portions of Government town sites on irrigation projects under the reclamation act of June 17, 1902, and for other purposes;

H. R. 16126. An act granting the consent of Congress to the commissioners of the county of Lake, State of Indiana, to reconstruct, maintain, and operate a free highway bridge across the Grand Calumet River, at a point suitable to the interests of navigation, at or near Cline Avenue, in the cities of East Chicago and Gary, county of Lake, Ind.;

H. R. 16131. An act to enable the Postmaster General to make contracts for the transportation of mails by air from possessions or Territories of the United States to foreign countries and to the United States and between such possessions or Territories, and to authorize him to make contracts with private individuals and corporations for the conveyance of mails by air in foreign countries;